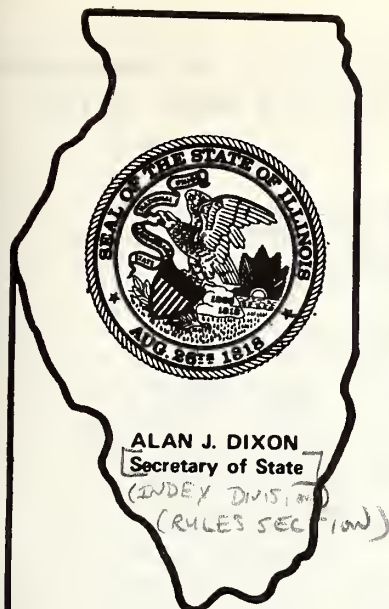


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Rules and Regulations of Governmental Agencies



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NOTICE

AS OF THIS DATE THE ILLINOIS BULLETIN, PUBLISHED PURSUANT TO THE PROVISIONS OF THE ILLINOIS ADMINISTRATIVE PROCEDURE ACT, IS APPLICABLE ONLY TO THE FOLLOWING STATUTES AND DEPARTMENTS IN PART:

(A) Department on Aging

1. Illinois Act on the Aging
(Chapter 23, Paragraph 6105.02)

(B) Department of Children and Family Services

1. Act creating the Department of Children and Family Services
(Chapter 23, Paragraph 5004)

(C) Dangerous Drug Commission

1. "Dangerous Drug Abuse Act"
(Chapter 91½, Paragraph 120.13)

(D) Department of Mental Health

1. Mental Health Code of 1967
(Chapter 91½, Paragraph 12.10)
2. An Act codifying the powers and duties of the Department of Mental Health and Developmental Disabilities
(Chapter 91½, Paragraph 100.5)
3. Mentally deficient persons
(Chapter 91½, Paragraph 21.1)
4. Community Mental Health Act
(Chapter 91½, Paragraph 308.1)
5. Alcoholic and Intoxication Treatment Act
(Chapter 91½, Paragraph 510.01)
6. Specialized Living Centers Act
(Chapter 91½, Paragraph 603.06)

(E) Department of Public Health

1. An act in relation to Public Health
(Chapter 111½, Paragraph 22)
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3. Prevention of certain communicable diseases
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4. Chronic renal diseases
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5. Anti-polio vaccine
(Chapter 111½, Paragraph 22h)
6. Nursing homes, sheltered care homes and homes for the aged
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7. Vital Records Act
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8. Registration of marriages, divorces and annulments
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9. Hospitals to render hospital emergency service
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10. Illinois Plumbing License Law
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11. Illinois Water Well Construction Code
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28. Mobile Home and Mobile Home Park Act
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38. Distribution of pasteurized milk and pasteurized milk products
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39. Grade A Milk and Grade A Milk Products
(Chapter 56½, Paragraph 217.1)

(F) Board of Vocational Rehabilitation

1. Vocational Rehabilitation of Disabled Persons
(Chapter 23, Paragraph 34.34a)

Illinois Dangerous Drugs Commission - Proposed Revisions to Rules and Regulations for Drug Abuse Programs

The Illinois Dangerous Drugs Commission proposes to amend its rules and regulations promulgated in accordance with the provisions of the Dangerous Drug Abuse Act (Ch. 91½, Sec. 120 et seq, Ill. Rev. Stats. 1976). The changes and additions were developed as a result of points raised with the National Institute on Drug Abuse officials during negotiations to have Illinois regulations accepted as funding standards in lieu of the Federal Funding Criteria. Some changes were generated by Staff experience in responding to public requests for clarification to certain rules while the remaining changes resulted from Staff action covering the institution of certain educational endeavors, i.e., Street Drug Analysis. The confidentiality regulations were revised and updated in accordance with State law. A Grants and Awards section was added setting forth procedures for awarding Federal and State funding.

Some aspects of the revisions of the Rules and Regulations are as follows:

1. Rule 2.01 Definitions

Modified - "Detoxification" to change word "substitute" to read "appropriate" for a better meaning.

Added - "Drug Receipt Coordinator" to identify program staff position in street drug analysis endeavors.

Added - "Street Drug Analysis" to identify it as an additional primary modality.

Changed - "Special Action Office for Drug Abuse Prevention" to read "Office of Drug Abuse Policy", as the successor activity.

2. Rule 11.02

Added requirement for client signature authorizing release of information contained in certain exception requests to insure compatibility with confidentiality regulations.

3. Rule 13.02

Restructured paragraph to insure inter-program information exchange accomplished only with client consent to insure compatibility with confidentiality regulations.

4. Rule 13.03

Added specific authorization for appropriate federal officials to have access to program records for official purposes in response to federal agency request.

5. Rule 15.02

Added notation to admonish programs not to reveal accused perpetrators as clients to insure compatibility with confidentiality regulations.

6. Rule 41.01

Added word medical to increase specificity of types of histories taken at client intake and relocated the physical examination matrix to a more suitable rule for purposes of clarification.

7. Rule 41.07

Added provisions for program board proceedings and by-laws to be incorporated into program manuals for purposes of clarification.

8. Rule 42.03

Sets forth changes in admissions criteria broadening permissible enrollments for those with other than drug abuse problems.

9. Rule 42.05

Rewritten to expand detail of intake physical and laboratory examination requirements and incorporate matrix formerly a part of Rule 41.01 for purposes of clarification.

10. Rule 42.08

Added frequency of review of client treatment plans in residential programs for purpose of clarification.

11. Rule 42.3

Same as Item 7 re: Rule 41.07.

12. Rule 42.18

Added disclaimer for program sponsor or hospital to be obligated to incur financial responsibility for client medical care.

13. Rule 42.26

Added requirement for specific hours of operation to be posted in clinics for purposes of clarification.

14. Rule 43.07

Changed drug dependency criteria to conform to federal standards.

15. Rule 43.14

Added guidelines to reflect broad spectrum review of client progress before a termination detoxification is initiated. Addition is for purposes of clarification.

16. Rule 43.08

Added guideline to reduce redundancy of physical and laboratory examinations for purposes of clarification.

17. Rule 43.20

Added words to increase specificity of data contained in the client record for purposes of clarification.

18. Rule 43.21

Added provision for use of physician's assistants as authorized under Illinois Statute.

19. Rule 44.04

Changed admission age from 16 to 18 to conform to current Illinois statute.

20. Rule 44.09

Added words to incorporate outpatient assistance in discharge linkage procedure for purpose of client benefit.

21. Rule 44.12

Added rule to restate requirement for provision of meals in residential programs.

22. Rule 45.01

Added specific number of hours of structured programming for transitional care for purposes of clarification.

23. Rule 48.07

Added rule to provide protection for research subject identity as an adjunct to client confidentiality regulations.

24. Rules 64.01 thru 64.07

Details requirements and constraints on operations of street drug analysis and endeavors to conform with federal guidelines.

25. Rules 82.01 thru 82.11

Prescribes rules and guidelines for the award of State and Federal funding; sets forth selection procedures, applicant rights and authority for General Revenue funds, Section 409 and Section 410 disbursements.

The proposed revisions to the Rules and Regulations for Drug Abuse Programs were issued by the Dangerous Drugs Commission at its July 19, 1977 meeting. Interested persons wishing to present their views concerning this intended action may do so by sending written comments to the attention of:

Jean C. Kerst
Administrative Assistant
Dangerous Drugs Commission
300 North State Street, Suite 1500
Chicago, IL 60610

Two copies of all written materials shall be submitted. Comments are due on or before October 4, 1977. Comments will be available for public inspection at the above address during regular business hours. An open hearing on the proposed revision will be held from 3:15 p.m. to 5:00 p.m. on September 29, 1977 at the Sheraton Hotel, Territorial 3 Room, Springfield, Illinois. Oral presentations will be scheduled at the discretion of the Chairperson and as time permits.

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ARTICLE I - PROMULGATION

SECTION 2 DEFINITIONS

Rule 2.01 Terms defined

- A. As defined in these regulations, unless the context otherwise requires the terms defined herein have the meanings ascribed to them in this section:

Abuse

See Drug Abuse.

Act

The Dangerous Drug Abuse Act, Chapter 91½, Section 120.1 et seq of Illinois Revised Statutes, and the rules and regulations promulgated thereunder.

Addict

Any individual who habitually uses certain mind-altering substances or intoxicants to the point of having developed a physical dependence on them. Ability to function and make judgments may be impaired to a greater or lesser degree.

Addiction

Physical dependence upon a drug; i.e., narcotics, barbiturates, and certain tranquilizers and stimulants. Indicators of addiction are the development of tolerance to increasing amounts of the drug to gain the same effect and characteristic symptoms of physical distress during the period of withdrawal when the use of the drug is discontinued abruptly.

Rule 2.01
Continued

Admission

The process of initiating services to an individual by a drug abuse program through the specified protocols. This may entail intake (as defined in this section), screening, processing and entrance into a clinic, as well as establishment of a service regimen.

Applicant

Any person who has applied to the Commission for a license or renewal thereof.

Application

The process through which a person applies for a license or renewal as outlined in the application procedures herein.

Audit

Any systematic review, inquiry or appraisal of procedures, operations and/or records involving analyses, tests, confirmations or proofs for the purpose of determining conformity with prescribed criteria.

Auditor

A Commission representative or third party detailed to perform an audit under competent authority, acting on behalf of the Commission or for the concerned person operating a program.

Chemotherapy

The prevention, treatment or management of psychological or physical disorders by the systematic administration of chemical drugs.

Client

A consumer of some portion of services provided by a treatment network; specifically, a registered participant in a drug abuse treatment program.

Clinic

A person who provides a drug abuse treatment service at a designated location, center or facility.

Rule 201
ContinuedClinical Record

The record established on entry in a program and kept on every client that contains the history of the individual's association with the program. This record shall include the medical and drug history, results of the physical examinations and laboratory tests, all other assessments, treatment plans, progress notes, medication records, and all correspondence with the client.

Commission

The Illinois Dangerous Drugs Commission and its agents and representatives.

Compliance Officer(s)

Duly accredited Commission inspector(s) empowered to review records for the purpose of conducting compliance inspections pursuant to Federal and State regulations.

Contraband

Any substance, item, goods and/or materials obtained or possessed illegally. Nonprescribed intoxicants are considered contraband of themselves.

Controlled Substance

Any substance which is enumerated in: the schedules of Article II of the "Illinois Controlled Substance Act"; the schedules of Section 202 of the U.S. Public Laws 91-513, "Comprehensive Drug Abuse, Prevention and Controls Act of 1970"; the "Illinois Cannabis Control Act" enacted by the 77th General Assembly of the State of Illinois; or as amended heretofore or hereafter.

Counseling

A process based on a client/counselor relationship or group/counselor interaction for the purpose of identifying client problems and needs, setting mutually acceptable goals and interventions, exploring alternative solutions, and practicing new behaviors.

Dangerous Drugs

Any organic or synthetic substance or derivative which, when used, can result in physical and/or psychological addiction or dependence or which use may endanger the public morals, health, safety or welfare. Also means explicitly controlled substances and cannabis.

Rule 201
continuedData

Facts and information concerning administrative and operational procedures.

Day Care

See Transitional Care Program.

Dependent

Relying upon regular doses of any substance to maintain a customary level of euphoria or inhibition of anxiety.

Detoxification

Administering or dispensing a substitute drug in decreasing doses to reach a drug-free state during a period not to exceed 21 days for methadone detoxification, in order to withdraw an individual who is dependent on heroin or other morphine-like drugs from the use of these drugs. In non-opiate dependency cases, nonmethadone detoxification may be accomplished by physicians, exercising their ~~medical judgment, using dosages of substitute medication~~ medical judgment, using dosages of an appropriate medication.

Dispensing Area

That area of the methadone treatment facility that meets minimal security criteria specifically utilized by the licensed practitioner to administer prescribed medication to program clients.

Drug Abuse

The use of a chemical substance which has mind-altering effects in a manner which interferes with one or more of the following: physical and emotional health, sound physical and emotional functioning, and educational or occupational performance.

Drug Dependence

State of reliance, either psychological, physical, or both, which may result from chronic, periodic or continuous use of a mind-altering drug or alcohol.

Drug Enforcement Administration (DEA)

United States agency responsible for enforcing Federal laws pertaining to controlled substances from a criminal jurisdiction and includes security of drug stocks.

Rule 201
Continued

Drug Program

Any structured activity designed to assist or restore an individual and remove any dependency on drugs by providing a variety of services, including but not limited to: counseling; medical, vocational and rehabilitative therapy; and legal assistance.

Drug Receipt Coordinator

A counselor or medical staff member designated by a drug abuse treatment program, who meets the requirements for registration to distribute controlled substances under the State Controlled Substances Act, and is approved by the Commission to receive suspected drug samples directly from a donor or inquirer for the purpose of forwarding the samples to a laboratory for analysis.

Executive Director

The Executive Director of the Illinois Dangerous Drugs Commission.

Facility

Same as Clinic.

Federal Authorities

United States agencies such as DEA, FDA, NIDA, SAODAP and/or their successor agencies.

Food and Drug Administration (FDA)

United States agency responsible for enforcing the Food, Drug and Cosmetic Act and monitoring the application of methadone.

Formal Agreement

A written contract, letter of agreement or any other document which defines the relationship between the program and another person.

Guideline

An optimal standard of practice which is encouraged but not required. Guidelines appear in italics throughout these rules and regulations.

Inpatient Program

A structure regimen within a licensed medical or psychiatric hospital where a client resides and is provided drug abuse treatment services.

Inspection

The act of: conducting interviews, record reviews, and physical observations at a program to assess the level of compliance with Federal and State rules and regulations; and performing qualitative program evaluations.

Rule 2.01
Continued

Intervention

The provision of advertised services in response to situational problems. A program providing services which are usually short-term, problem-solving, and referral-oriented is considered to be an intervention program.

Investigation

The conducting of tests and evaluations by Commission investigators to assure compliance by applicants or licensees with the laws and regulations governing drug abuse functions licensed by the Commission.

Investigator(s)

Duly commissioned sworn personnel operating with Commission badge and credentials empowered to investigate all aspects of enforcement of the Act.

Is Recommended

A term used to indicate a method which is preferred though not mandatory.

Licensee

Any person licensed by the Commission.

Licensure

The issuance of a license by the Commission which authorizes the licensee to perform specific drug abuse services, as long as full compliance with the laws and regulations applicable to the performance of the services is maintained by the licensee.

Maintenance

The continued administering or dispensing of a recognized oral opiate substitute for heroin or other morphine-like drugs to an individual dependent on heroin, at relatively stable dosage levels for a period in excess of 21 days, in conjunction with the provision of appropriate social and medical services.

Rule 2.01
Continued

May

A term used in the interpretation of a standard, reflecting a permissible method that is recognized by not mandatory.

Modality

That specific drug abuse program identifier or classification: i.e., central intake units; methadone clinics; outpatient, drug-free centers; residential units; transitional care facilities; or research projects involving human subjects.

National Institute on Drug Abuse (NIDA)

United States agency which has as its primary function drug abuse program development by funding drug abuse programs and establishing guidelines to recipients of the Federal funds.

Office of Drug Abuse Policy (ODAP)

A Federal Executive Office established in 1977 responsible for coordinating the activities of the several Federal agencies currently involved in drug abuse law enforcement and treatment.

Paraprofessional

A non-degreed individual who is experienced and trained to perform treatment and rehabilitative functions within a program.

Patient

Same as client.

Person

Any individual, government or governmental subdivision or agency, corporation, partnership, firm, business trust, estate, organization, or association acting individually or as a group.

Program

Same as Drug Program.

Protocol

The program document(s) which details the drug abuse services and modality the applicant intends to provide.

Public Accountant

An accountant who offers services professionally to the general public.

Rule 2.01
Continued

Readmission

The act of reinitiating services to an individual who previously had been provided services by the same drug abuse program.

Regulation

The general administrative regulatory category(ies) within which the licensing process occurs and with which both State licensing officials and local programs shall comply.

Rehabilitation

The restoration of a client to the fullest physical, mental, social, vocational and economic usefulness of which the client is capable. Rehabilitation includes but is not limited to medical treatment, occupational training, job counseling, social and domestic rehabilitation, and education.

Residential Program

A 24-hour, live-in, highly structured, well-supervised environment established to maximize the impact on clients for positive change. Chemotherapeutic elements may or may not be utilized.

Rule

A specific requirement enumerated within the respective regulatory category.

Shall

A term used to indicate a mandatory statement: the only acceptable method under Commission standards.

Should

A term used in the interpretation of a standard reflecting the commonly acceptable method, yet allowing for the use of effective alternatives when the standard can be shown to be inappropriate.

Single State Authority (Agency)

The Illinois Dangerous Drugs Commission as designated pursuant to Federal rules and regulations pertaining to methadone control and Public Law 92-255.

Rule 2.01
Continued

Special-Action-Office-for-Drug-Abuse-Prevention-(SAODAP)

United-States-agency-responsible-for-the-adoption-of-the-Comprehensive-Confidentiality-Act-and-responsible-for-the-development-of-the-single-state-drug-abuse-agencies-according-to-the-mandate-of-Public-Law-92-255-

Standard

The individual element(s) that comprises a rule (printed in bold type).

Storage Area

A safe or vault specifically utilized to store controlled substances that meets minimal Federal and State security requirements. The dispensing area is considered a storage area during the preparation of medication and throughout dispensing hours.

Street Drug Analysis

Street drug analysis is an additional primary modality for licensure by the Commission. It is nonjudgmental preventive educational drug abuse program endeavor, designed to apprise active or potential drug users with an accurate qualitative assay of substances acquired through street contact and to develop further program associations and opportunities for counseling with the persons involved. Submission of drug samples must be through face-to-face contact between the submitter or donor and the program representative on the program premises. Subsequent donor notification of qualitative results must also be on a face-to-face basis.

Subterfuge

Any plan or action employed to conceal the true person of interest for whatever reason.

Transitional Care Program

An intensive psychosocial, vocation and supportive follow-up service which is community-based and is readily accessible to persons eligible to participate in such a program. A transitional care drug abuse program shall provide advice, counsel, technical skills, and social services to further the individual's ability to live and work in the community without additional drug abuse treatment.

- B. In the case of terms not specifically defined herein, the meanings ascribed in Webster's New World Dictionary, 2nd College Edition, or subsequent revisions shall prevail.

Rule 11.02 Client welfare, sanctity and rights

- A. For the purpose of guaranteeing the minimal standards of care for the client, the Commission will ensure, through due process, that the administration and staffing by all persons operating under these regulations provide a safe physical and sound psychological environment conducive to a treatment regimen leading to the rehabilitation of the client.

The Commission shall take reasonable measures to protect client welfare and/or ensure continuity of treatment for clients enrolled in licensed programs by:

1. Suspending program operations immediately, without hearing, in cases involving hazard to either the public health or safety of the client; e.g., continued administration of medication in the absence of a staff physician for a period of a week or more.
2. Assisting in the placement of clients within alternative facilities in the event of suspension or revocation of the license.

- B. Individuals enrolled as clients in treatment programs should not be employed on the clinic program staff in any capacity involving contact with other client records or treatment plans. Applications for exceptions to this rule shall be made by the program's board of directors and the program director. The application shall indicate clearly the type of work and the concomitant responsibilities to be discharged, the individual's competence and effectiveness in working in this position, and how the program's overall staffing requirements are met with this individual employed.

If there is an alternative treatment program within close proximity, the staff member shall be referred for appropriate treatment. The following shall be included in the application:

1. Name of individual.
2. Date enrolled in program and/or of conviction and/or release from incarceration.

Rule 11.02
Continued

3. Identify professional who will provide treatment.
 4. Description of treatment regimen (i.e., type of supportive services, schedules of clinic visits, prognosis and date of expected termination).
 5. Dosage level and pickup schedule (if applicable).
 6. Skills brought to program and basis for the exception request.
 7. Signature of program board chairman.
 8. Signature of program director.
 9. Client signature attesting authorization to release the stated information for the purpose of obtaining a waiver to Rule 11.02.
- C. All programs shall subscribe to a philosophy which allows clients the following rights:
1. To remain anonymous, even if this means no service can be given.
 2. To decline service (the delivery of service shall be non-coercive).
 3. To know at all times how and where to register complaints.
 4. To know what information about them is released and to whom.
 5. To have freedom from mental or physical abuse, and to have their civil rights respected.
 6. To receive alternate services from other organizations with or without the assistance of the program.
 7. To not be excluded from treatment on the grounds of pregnancy, provided there is documentation that necessary physical and mental health care is available.
- D. All facilities should be maintained in a clean and safe condition in accordance with appropriate federal, State and local codes and other laws; and:
1. Each facility shall be large enough to serve comfortably the number of clients it currently has or that it proposes to have in treatment.

Rule 11.02
Continued

2. No counseling sessions shall take place in any part of the facility except in designated areas provided for counseling services. The dispensary section shall not be used for counseling services.

Rule 12.04 State-education-programs-exempted - Deleted

~~When-conducted-by-duly-appointed-or-regulated-staff-personnel, those-education-programs-within-the-State-health-system, private-and-public-education-systems, or-constituted-law-enforcement-agencies-shall-be-exempted.~~

Rule 12.05 Certain-private-education-programs-- Deleted

~~Narcotics-Anonymous, as-presently-constructed, being-a-fellowship-that-does-not-receive-or-request-public-funds, client-fees, third-party-payments, or-receive-or-request-funds-through-public subscription-for-treatment, rehabilitation-or-prevention-of drug-abuse, is-not-subject-to-licensing-under-the-Act.--Other similar-programs-may-be-exempted-by-the-Commission.~~

Rule-13.02 Continuity-of-client-records-

~~With-client-consent, copies-of-a-client's-clinical-records-and progress-evaluations-shall-be-transferred-to-follow-the-client in-the-event-of-client-relocation-or-transfer-to-another-program-within-the-State.--Records-and/or-summary-exchanges-shall-be-initiated-only-after-the-gaining-program-requests-the-record in-writing.--In-the-event-the-client-objects-to-a-record-exchange, the-medical-record-or-summary-shall-not-be-forwarded. However, necessary-medical-information-pertaining-to-dosage-rates-and-dates-of-enrollment-may-be-exchanged-verbally-between programs.~~

Rule 13.02 Continuity of client records

With client consent, copies of client's clinical records and progress evaluations shall be transferred to follow the client in the event of client relocation or transfer to another program within the State. Records and/or summary exchanges shall be initiated only after the gaining program requests the record in writing. However, necessary medical information pertaining to dosage rates and dates of enrollment may be exchanged verbally between programs. Such information exchanged must be confirmed, in writing, no later than (5) five days after the oral communication. In the event the client objects to a record exchange, the medical record or summary shall not be forwarded.

Rule 13.03 Confidentiality of client records

A. ~~Records of the identity, diagnosis, prognosis, or treatment of any client which are maintained in connection with the performance of any drug abuse function authorized or assisted under any provision of the Dangerous Drug Abuse Act shall be confidential. Client records may be disclosed only for the specific purposes and under the circumstances expressly herein authorized:~~

- ~~1. With written consent of the client --- The content of the record may be disclosed to medical personnel for the purpose of diagnosis and/or treatment of the client and may not be further disclosed.~~
- ~~2. Without written consent of the client --- The content of the record may be disclosed to medical personnel for the purpose of providing bona fide emergency medical treatment to the client. A written record of such disclosure must be made by the program.~~
- ~~3. Without written consent of the client - The content of the record may be disclosed to investigative personnel of the Dangerous Drugs Commission for the purpose of conducting compliance inspections and investigations of programs operating within the purview of the Dangerous Drug Abuse Act to ensure adherence to applicable Federal and State statutes regarding, inter alia, the handling and dispensing of controlled substances.~~
- ~~4. Without written consent of an incompetent client or in the case of a deceased client --- The content of the record may be disclosed to government personnel and, with consent of the beneficiary, to other parties for the purpose of obtaining financial benefits to which the client is entitled and for the purposes set forth in Sections 7 through 12 of the Dangerous Drug Abuse Act. No further disclosure is permitted by third-party payers. Vital statistics of deceased clients as required to be collected under Federal and State law may be disclosed without consent.~~

A. Records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any drug abuse function authorized or assisted under any provision of the Dangerous Drug Abuse Act shall be confidential and may be disclosed only for the purposes and under the circumstances expressly authorized by part (B) of this Rule.

Rule 13.03
Continued

B- A-written-notice-from-the-Commission-or-its-designated-agents, officers-and-investigators-shall-be-furnished-to-the-program for-client-identifying-information-to-be-retained-by-the Commission.--The-statement-shall-set-ferth-the-following:

- 1- Description-of-information-obtained-
- 2- Name-and-title-of-individual-obtaining-the-information-
- 3- Purpose-for-which-client-information-is-obtained-
- 4- Disposition-of-the-information---The-Commission-shall-furnish-the-program-a-written-statement-upon-final-disposition-of-the-record,-indicating-Commission-compliance-with this-rule.

B. Authorized disclosures:

1. The content of any record referred to in part (A) may be disclosed in accordance with the prior written consent of the client with respect to whom such record is maintained only as follows:
 - a. To medical personnel for the purposes of diagnosis and treatment of the client;
 - b. To the client's attorney;
 - c. To governmental or private officials for the purpose of determining the client's eligibility for or entitlement to benefits related to his drug addiction or abuse;
 - d. To such extent, under such circumstances, and for such purpose as may be allowed under any rule or regulation prescribed by the Commission;
 - e. If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor. In assessing good cause the court shall weigh the need for disclosure against the possible harm to the client, to to the physician-client relationship, and to the treatment services. In granting such an order, the court shall limit disclosure to that portion of the record necessary to meet the need for the record of information and shall impose appropriate safeguards against unauthorized disclosure.

Rule 13.03
Continued

2. Whether or not the client, with respect to whom any given record referred to in part (A) of this Rule is maintained, gives his written consent, the content of such record may be disclosed as follows:
 - a. To medical personnel to the extent necessary to meet a bona fide medical emergency;
 - b. To qualified personnel for the purpose of conducting scientific research, management, audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit, or evaluation, or otherwise disclose patient identities in any manner;
 - c. To agents and the investigative personnel of the Dangerous Drugs Commission or appropriate Federal agencies for the purpose of conducting compliance inspections of programs operating within the purview of the Dangerous Drug Abuse Act to ensure adherence to applicable Federal and State statutes regarding, inter alia, the handling and dispensing of controlled substances.
 - d. Without consent of an incompetent client or in the case of a deceased client - The content of the client's record may be disclosed to government personnel as is required to be collected under Federal and State law. With the consent of the client's immediate family, i.e., father, mother, sister, brother, wife, son or daughter, the content of the client's record may be released to third parties. The manner in which consent is given shall be in accordance with this Rule and shall be made in writing, in the client's name, by the family member executing such consent.

Rule 13.03
continued

3. Any disclosure authorized under part (B) of this Rule shall be limited to that part of the record necessary to satisfy the purpose for which the record is sought. A person or agency to whom the record is disclosed shall not disclose the record or any part thereof to another person or agency.
- ~~G. After the purpose of retaining a record identifying a client has been served, that record and all copies shall be either destroyed, sent back to the program, or retained no more than two years after the record was acquired by the Commission, whichever is earlier. Where the record is needed in connection with formal legal proceedings against the program commenced or to be commenced, the record may be retained until the termination of the proceedings.~~
- C. No record referred to in part (A) of this Rule may be used, obtained by judicial process or otherwise, or admitted into evidence in any proceeding in order to initiate or substantiate any criminal charges against a client or to conduct any investigation of a patient. The prohibitions of this paragraph shall not be subject to waiver by any person.
- ~~B. No client record as identified in subsection A of this Rule may be used, obtained by judicial process or otherwise, or admitted into evidence in any proceedings in order to initiate or substantiate any criminal charges against a client or to conduct any investigation of a patient. The prohibitions of this paragraph shall not be subject to waiver by any person.~~
- D. The prohibitions of this Rule apply to records concerning any individual who has been a patient, regardless of whether or when he ceases to be a client.
- ~~E. The prohibitions of this Rule apply to records concerning any individual who has been a client, regardless of whether or when the individual ceases to be a client.~~
- E. Except as authorized under part (B) of this Rule, any person who discloses the contents of any record referred to in Part (A) of this Rule shall, upon conviction be guilty of a Class C misdemeanor.

Rule 13.03
Continued

- ~~F. Except as authorized under subsection A of this Rule, any person who discloses the content of any record referred to in this Rule, upon conviction, shall be guilty of a Class 6 misdemeanor.~~
- F. A written notice from the Commission or its designated agents, officers and investigators shall be furnished to the program for client-identifying information to be retained by the Commission. The statement shall set forth the following:
1. Description of information obtained.
 2. Name and title of individual obtaining the information.
 3. Purpose for which client information is obtained.
 4. Disposition of the information - The Commission shall furnish the program a written statement upon final disposition of the record, indicating Commission compliance with this rule.
- ~~G. Client records, when not in use, shall be secured in a locked container to preclude unauthorized access.~~
- G. After the purpose of retaining a record identifying a client has been served, that record and all copies shall be either destroyed, sent back to the program, or retained no more than two years after the record was acquired by the Commission, whichever is earlier. Where the record is needed in connection with formal legal proceedings against the program commenced or to be commenced, the record may be retained until the termination of the proceedings.
- H. Each record retained by a program which contains client information which is the subject of this rule must be secured in a locked container and measures must be taken to preclude unauthorized access.

Rule 13.04
to 13.99

Reserved

Rule 41.01 Program admission

The process of initiating services to an individual shall take place as soon as possible after the individual applies to the program and shall include:

- A. ~~A complete personal history: family, educational, vocational, legal, and related areas; also a drug history, including kinds of drugs used and abused, when begun, prior treatment attempts, and any other related information.~~
- A. A complete personal history: family, educational, vocational, medical, legal, and related areas; also a drug history, including kinds of drug used and abused, when begun, prior treatment attempts, and other related information.
- B. The identification of the individual's specific needs.
- C. The determination of treatment services most appropriate for the individual's need.
- D. The program's decision as to its capability to provide the needed services.
- E. A description of the proposed services to the individual, including alternative programs which may be geographically closer to the individual's residence or which provide a more appropriate range of service.
- F. The referral to another program or community services mutually agreed upon by the program and the individual.
- G. A physical examination when indicated by the following matrix.

Rule 41.07 Program operating manual

~~A program shall develop and maintain a manual of its internal operating procedures. The procedures shall be sufficiently clear to be easily understood and provide sufficient detail to accurately reflect all administrative or clinical policies of the program. The manual shall be updated every six months and the staff review of the update recorded.~~

Program operating manual

A program shall develop and maintain a manual of its internal operating procedures. The procedures shall be sufficiently clear to be easily understood and provide sufficient detail to accurately reflect all administrative and clinical policies of the program and shall include By-laws of the corporation, minutes, and any other rule, regulations or custom bearing on clinic operation. The manual shall be updated every six months and the staff review of the update recorded.

Rule 42.03 Client admissions, exclusions, and terminations criteria-

Criteria-to-be-used-for-client-admissions-to-the-program-and client-exclusions-or-terminations-from-the-program-shall-be established-and-utilized.--Such-criteria-shall-be-included-in-the-license-application-submitted-to-the-Commission.--The-admission-criteria-are-applicable-only-to-those-individuals-with-a-primary-drug-abuse-problem-other-than-alcohol.--Services-to-a-client-must-be-terminated-whenever-there-is-evidence-that-the level-of-services-does-not-meet-the-requirements-of-this-part or-where-legitimate,-person-to-person-services-are-not-provided-at-least-once-per-month-on-a-regular-scheduled-basis.--In-any-case-in-which-a-decision-is-made-that-a-client's-treatment-is to-be-terminated-or-substantially-changed-by-the-program-director,-the-client-shall-be-given-written-notice-of-this-fact-and has-the-right-to-have-this-decision-reviewed-in-accordance-with procedures-established-for-that-purpose--

Rule 42.03 Client admissions, exclusions, and terminations criteria

The admission criteria are required only for those individuals with a primary drug abuse problem other than alcohol. Such criteria shall be included in the license application submitted to the Commission. The admission criteria applicable only to those individuals with a primary drug abuse problem other than alcohol. Services to a client must be terminated whenever there is evidence that the level of services does not meet the requirements of this part of where legitimate, person-to-person services are not provided at least once per month on a regularly scheduled basis. In any case in which a decision is made that client's treatment is to be terminated or substantially changed by the program director, the client shall be given written notice of this fact and has the right to have this decision reviewed in accordance with procedures established for that purpose.

Rule 42.05 Intake-physical-and-laboratory-examination-

At-intake;-a-physical-examination-and-laboratory-examination shall-be-performed-by-qualified-personnel.--Programs-shall-perform-physical-examinations-on-clients-as-soon-as-possible.--The--results-of-the-physical-shall-be-detailed--in-the-client-record. It-is-particularly-important-that-residential-programs-perform physical-examinations-as-soon-as-possible-because-of-the-possibility-of-clients-carrying-infectious-diseases.--If-the-residential-program-has-an-induction-phase,-it-is-recommended-that-the-physical-examination-be-performed-during-this-time-period--

Rule 42.05 Intake physical and laboratory examination

At intake, a detailed medical history, a physical examination, and a laboratory examination shall be done for all methadone and residential treatment clients. Outpatient drug free programs may use the review of qualified personnel of a detailed medical history to determine the need for intake physical and laboratory examinations. The program physician's determination that physical and laboratory examination is required, the parental use of any drug, and the habitual use of opiates or barbiturates administered by any route require physical and laboratory examinations. The program's medical review of a physical and laboratory examination done within the six months prior to admission by another physician which assumes the medical responsibility for the client may be substituted for the program's physical and laboratory examination by the program physician. Transitional care programs shall follow the applicable standards for methadone or drug free intake physical and laboratory examinations.

The following matrix may be used in determining program physical and laboratory examination procedures:

PHYSICAL/LABORATORY EXAMINATION MATRIX*

	OPIATES		AMPHETAMINES		SEDATIVE-HYPNOTICS		INHALENTS	MARIHUANA	COCAINE		HALLUCINOGENS
	Parenteral	Oral	Parenteral	Oral	Parenteral	Oral			Parenteral	Nasal	
Residential	L1 P1	L1 P1	L1 P1	L1 P1	L1 P1	L1 P1	L1 P1	L2** P1	L1 P1	L2** P1	L2** P1
Outpatient	L1 P1	#L2 P1	L1 P1	L2 P1	L1 P1	L2 P1	L1 P1	L2 P2	L1 P1	L2 P2	L2 P2

KEY:

- L1 Mandatory laboratory testing (Tuberculin skin test may be used in lieu of a chest X-ray. However, if the tuberculin skin test is positive, then a chest X-ray is required.)
- L2 Laboratory testing at discretion of physician (Tuberculin skin test may be used in lieu of a chest X-ray. However, if the tuberculin skin test is positive, then a chest X-ray is required.)
- P1 Mandatory physical
- P2 Physical at discretion of physician
- A medical history is required in all cases (applicable to every cell of the matrix).
- ** As this is a residential setting, the following laboratory tests are required: tuberculin skin test, hematocrit, and serological test for syphilis.
- # For methadone maintenance programs, laboratory testing is mandatory (L1).

NOTE:

L2 supplants L1 in the following instances:

1. Outpatient heroin detoxification
2. Readmission (within six months) of client who had had previous laboratory examinations

Rule-42.08 Individual-client-treatment-plan

An-individual-treatment-plan-shall-be-developed-in-conjunction-with-a-physician-for-each-client-upon-admission-to-treatment,-and-such-plan-shall-be-reviewed-and-redetermined-by-the-treatment-team-with-the-client-no-less-than-every-90-days-for-methadone-programs.--In-outpatient-drug-free-programs,-the-treatment-plan-shall-be-developed-in-conjunction-with-a-physician-when-this-is-appropriate-and-shall-be-reviewed-and-redetermined-every-60-days.--Evidence-of-this-review-shall-be-recorded-in-each-client-record.--Every-treatment-plan-shall-include-documented-evidence-of:-

Rule 42.08 Individual client treatment plan

An individual treatment plan shall be developed in conjunction with a physician for each client upon admission to treatment, and such plan shall be reviewed and redetermined by the treatment team with the client, no less than every 90 days, for methadone programs and, no less than every 60 days, for residential and transitional care programs. In outpatient drug-free programs, the treatment plan shall be developed in conjunction with a physician when this is appropriate and shall be reviewed and redetermined every 60 days. Evidence of this review shall be recorded in each client record. Every treatment plan shall include documented evidence of:

- A. A statement of short and long-term goals for treatment generated by both staff and client.
- B. The assignment of a primary counselor.

Rule-42.13 Program-operating-manual-

A-program-shall-develop-and-maintain-a-manual-of-its-internal operating-procedures.--The-procedures-shall-be-sufficiently clear-to-be-easily-understood-and-provide-sufficient-detail-to accurately-reflect-all-administrative-or-clinical-policies-of the-program-

Rule 42.13 Program operating manual

A program shall develop and maintain a manual of its internal operating procedures. The procedures shall be sufficiently clear to be easily understood and provide sufficient detail to accurately reflect all administrative and clinical policies of the program and shall include By-laws and minutes of the corporation and any other rule, regulations or custom bearing on the clinic's operation.

Rule 42.18 Support services and client enrollment

- A. The following support services shall be made available to clients either on an in-house or a referral basis. If provided through referral, documentation of available referral services shall be provided to the Commission.

1. Psychiatric/psychological
2. Laboratory
3. Medical

Neither the program sponsor nor the hospital is required to assume financial responsibility for the client's medical care.

- B. In addition to the provisions of the services listed above, all programs shall develop a plan for the provision of the following additional support services. Such a plan shall be available for Commission review and shall include appropriate agreements for the provision of these services when they are not provided by the program.

1. Education
2. Vocational Rehabilitation
3. Job development and placement
4. Financial counseling
5. Legal services
6. Recreational activities
7. Individual and group counseling for spouses, parents and/or significant others.
8. Child care

Every client enrolled in residential care for more than 60 days and every client enrolled in methadone, outpatient drug-free, or transitional care for more than 120 days shall be encouraged to enroll in either an educational or job training program or to seek gainful employment.

Rule 42.26 Minimal hours of operation

The minimal hours of operation specified below shall be maintained:

- A. Outpatient methadone - No less than seven days per week: five days per week at eight hours per day (in all cases, at least two hours per day must be outside 9:00 a.m. to 5:00 p.m.) and two days per week at four hours per day, to the end that medication services are available within the catchment area.
- B. Residential - No less than seven days per week, 24 hours per day.
- C. Transitional care - No less than six days per week, ten hours per day.
- D. Outpatient drug-free - No less than six days per week, five days per week at eight hours per day (in all cases, at least two hours per day must be outside 9:00 a.m. to 5:00 p.m.) and one day at five hours.
- E. The specific hours of operation for all programs shall be posted. In the case of methadone maintenance programs, the hours for physician-client care and medication dispensing shall be displayed prominently and in areas common to all persons concerned.

Rule 43.07 Waiver of required drug dependency

Waiver-of-the-requirement-for-evidence-of-current-physio--
logical-dependence-on-narcotic-drugs-shall-be-allowed-only-
under-the-following-circumstances:-

- A. Maintenance-treatment-may-be-indicated-prior-to-or-within
one-month-or-longer-in-a-penal-or-chronic-care-institution,
and-the-individual-has-a-predetention-history-of-dependence
upon-heroin-or-other-morphine-like-drugs-at-least-two-years
prior-to-admission-to-the-institution.
- B. If-the-client-is-pregnant,-regardless-of-age.

Waiver of the requirement for evidence of current physiological
dependence on narcotic drugs for regulatory mandated time
periods shall be allowed only under the following circumstances:

- A. Maintenance treatment may be indicated prior to or within
one week of release from a stay of one month or longer in
a penal or chronic-care institution, and the individual
has a predetention history of dependence upon heroin or
other morphine-like drugs at least two years prior to ad-
mission to the institution.
- B. Pregnant women, regardless of age or prior addiction history,
but otherwise eligible for maintenance treatment, may be
placed on a maintenance regimen if the Medical Director
certifies the woman to be pregnant and certifies that there
exists medical justification for such treatment. Within
six weeks of the termination of the pregnancy, the physician
shall enter an evaluation of the client's condition into
the client's record indicating whether she should remain on
maintenance or be detoxified.

The attending physician shall apply, through the program, to the Commission and Federal authority for approval, detailing the basis for the exception prior to enrolling the client in any maintenance regimen. Justification for any such waiver shall be noted in the client's record.

Rule 43.20 Clinical record criteria

In addition to the data obtained at intake processing, an adequate clinical record shall be maintained for each client. ~~The record shall contain a copy of the signed consent form(s), the amount of methadone administered or dispensed, the result of each urinalysis, and significant physical or psychological disability, the type of rehabilitative and counseling efforts employed, an account of the client's progress, and other relevant aspects of the treatment program, including transfers to another or terminations.~~ The record shall contain a copy of the signed consent form(s), the treatment plan, the amount of methadone administered or dispensed, the results of each urinalysis, any significant physical or psychological disability, the type or rehabilitative and counseling efforts employed, an account of the client's progress, and other relevant aspects of the treatment program, including transfers to another program or terminations.

The record shall also include:

- A. Dated case entries of all contact with or concerning clients, including a record of each clinic visit in chronological order.
- B. Date and results of case conference.
- C. Quarterly progress reports, including narrative summary of the client's response to treatment during the reporting period, a medical evaluation, recommendations for future planning, and recommendations for changes in treatment, if indicated.
- D. Notes on referrals to specialized ancillary services provided including follow-up.
- E. Closing summary, including reason for termination and referral, if any. In the case of death, the cause of death shall be documented and reported to the Commission and Federal authorities. The program shall transfer the complete client record prior to or with the client's transfer.

Rule 43.21 Minimal staffing requirements

Each clinic providing a program of methadone maintenance shall have the services of:

- A. Physician - There shall be the equivalent of one full-time physician (35 hours per week) on site for every 300 clients.

Rule 43.21
continued

Qualifications for the position shall include Illinois State licensure, specific training or direct experience in the treatment of narcotic addicts with methadone, and a well-rounded familiarity with the accepted rehabilitative modalities and/or provision for in-service orientation and education. *Exemptions to full-time physician coverage may be approved.*

B. Clinic Administrator/Case Supervisor

There shall be at least one full-time clinic administrator/case supervisor on site for each clinic population of 300 clients or any portion thereof. Such a person shall have special training, direct and progressively responsible experience in the operation of a narcotic treatment program, or a master's degree in social work or in one of the medical sciences.

The clinic administrator shall be responsible for the ongoing supervision of administrative functions and the training of all staff in administrative and record-keeping systems of the program. The case supervisor shall be responsible for the training and supervision of all counseling staff.

In large clinics with populations in the excess of 300 clients, the functions of the clinic administrator and supervisor shall be divided between two full-time staff and a clinic supervisor, both of whom shall have specific training or direct experience in the operation of a narcotic treatment program.

In those clinics with less than 300 clients, the clinic administrator/case supervisor may assume all the above responsibilities.

C. Nurses - There shall be no less than the equivalent of two full-time registered or licensed practical nurses on site for up to 300 clients. For clinics with over 300 clients, there shall be the equivalent of one full-time nurse for each additional 100 clients or major fraction thereof.

D. Counselors - There shall be one full-time counselor for 50 clients. Clients shall be assigned to specific counselors. In all cases, counselors should have specialized drug abuse training or experience and should participate in a program of continuing in-service training. *The counselor should have either a bachelor's degree or high school graduation or equivalency diploma and two years' or more experience as a paraprofessional rehabilitation worker. While a 1-to-50 counselor/client ratio is minimal, 1-to-30 is recommended. It is recommended that at least one counseling staff member be knowledgeable in the area of vocational rehabilitation, while an additional supportive services specialist for every 150 clients is recommended.*

Rule 43.21
continued

E. Physician's Assistants - Individuals licensed under the Illinois Physician's Assistants Practice Act may be used to augment or supplement physician coverage in methadone programs within the limitation prescribed by appropriate State and Federal regulations.

Rule-44.04

Admission-of-elients-under-16-years-of-age-

The-residential-center-shall-accept-elients-who-are-16-years-or-older;-if-a-eliect-is-under-16-years;-the-eliect's-parent-or-legal-guardian-shall-provide-written-consent-to-residential-treatment.

Rule 44.04

Admissions of clients under 18 years of age

The residential center may accept clients who are 18 years or older; if a client is under 18 years, the client's parent or legal guardian shall provide prior written consent to residential treatment is required. Programs are advised to obtain the client's written consent prior to releasing information to, or communicating with the parent or legal guardian.

Rule 44.09

Discharge linkage

The-residential-program-shall-provide-appropriate-assistance-when-feasible-to-the-eliect-in-such-matters-as-job-placement,-living-arrangements;-and-resumption-of-educational-pursuits-when-termination-is-indicated.

The residential program shall provide appropriate assistance, when feasible, to the client in such matters as job placement, outpatient treatment, living arrangements, and resumption of educational pursuits when termination is indicated. To the maximum extent possible, the program shall utilize community resources. Documentation to provide any of these services shall be subject to review by the Commission.

Rule 44.12

Meals to be provided

Residential programs shall provide a minimum of three meals per day per client. Transitional care programs shall provide at least one meal per day to each client in attendance.

Rule 45.01

Description of services

A transitional care drug abuse service is one which shall provide partial residential services to persons who exhibit problems in psychosocial adjustment which result from or may result in the abuse of controlled substances. The program provides specific services as described below, directly or through a supportive service system.

- A. A transitional program shall engage in a regimen of personal counseling, structural activities, and information regarding alternatives to drug abuse with a specific populations and, while attending to the participant's concerns about control of the drug habit, shall emphasize re-entry into the general society through vocational or educational channels.

Such program shall:

~~1. Provide residential care on a part-time basis and specify these activities to be carried out during non-residential hours.~~

1. Make available five (5) hours of structured programming per client per day.

2. Offer on a regular schedule, individual and group activities to stimulate motivation, teach coping skills, and aid the client in establishing an acceptable pattern of living.

3. Structure opportunities and provide experience to clients designed to assist them in identifying problems (which may include their drug use patterns), finding possible solutions, making decisions, and accepting personal and social responsibility.

4. Provide and/or arrange employment or educational counseling and other vocationally oriented services.

5. Develop employment and academic opportunities and improve employment skills.

6. Provide limited family counseling to improve interaction and communication.

- B. Supportive services shall utilize a system of supportive services for participants (e.g., the appropriate use of community resources and the participant's personal resources; i.e., family employers, schools, health and social service agencies, and other community institutions).

Rule 48.07 Confidentiality of research subjects

Authority: The provisions of this Rule 48.07 issued under Sec. 508 (b) of the Illinois Controlled Substances Act (Ill. Rev. Stats. 1975, Ch. 56½, Sec. 1508(b)).

- (a) Any person authorized to conduct research in controlled substances under the Illinois Controlled Substances Act (Ill. Rev. Stat. 1975, Ch. 56½, Sec. 1508 (c)), who intends to maintain the confidentiality of those persons who are the subjects of such research, shall upon authorization, or within a reasonable time thereafter, submit to the Executive Director, Dangerous Drugs Commission, a separate request for each research project involving controlled substances, which shall contain the following:
- (1) The researcher's authorization number for that project;
 - (2) The location of the research project;
 - (3) A general description of the research or a copy of the research protocol;
 - (4) A specific request to withhold the names and/or any other identifying characteristics of the research subjects; and
 - (5) The reasons supporting the request.
- (b) Within 30 days from the date or receipt of the request, the Executive Director shall issue a letter, either granting confidentiality, requesting additional information, or denying confidentiality, in which case the reasons for the denial shall be included. A grant of confidentiality shall be limited solely to the specific research project indicated in the request.
- (c) Within 30 days after the date of completion of the research project, the researcher shall so notify the Executive Director.
- (d) Persons who are given this authorization may protect the privacy of individuals who are the subjects of such research by withholding from all persons not connected with the conduct of the research the names and other identifying characteristics of such individuals. Persons so authorized shall not be compelled in any civil, criminal, administrative, legislative or other proceeding to identify the individuals who are the subjects of research for which the authorization was granted, except to the extent necessary to permit the Commission to determine whether the research is being conducted in accordance with the authorization.

SECTION 64 GENERALRule 64.01 General

Education and prevention measures require a measure of direct audience contact and acceptance to be most effective. A useful vehicle for establishing this desired contact is the street drug analysis program, wherein inquirers can obtain reliable information concerning those substances actually on the street and the potential consequences of using any substance without benefit of licensed practitioner supervision. Such an analysis effort can provide for:

1. The collection of valuable data concerning the extent and nature of the illicit drug market
2. The dissemination of the extent and nature of misrepresentation which may deter some persons from using and may reduce risks of use for those persons already using such substances
3. The furnishing of laboratory reports to medical and health facilities to help prepare them to adequately diagnose and effectively treat toxic drug reactions
4. The first contact opportunity for many drug users/ drug abusers with the drug abuse prevention and treatment network

A favorable approach toward developing rapport between prevention counselors and subjects-at-risk, is one which enables the prevention worker to communicate in a truthful and nonjudgemental manner; face-to-face contact is an optimal mode. Since the majority of the subjects-at-risk are relatively inexperienced and/or unsophisticated in the consequences of using drugs, the prevention counselor can become a source of enlightenment while giving assurances of maintaining inquirer anonymity. It is paramount that analysis programs maintain their prevention/education orientation and not become subverted into providing quality control services for traffickers.

Rule 64.02 Eligibility To Conduct Street Drug Analysis

To be eligible to operate a street drug analysis program, the applicant must:

- A. Be licensed in at least one of the other primary drug treatment modalities, and
- B. Select and designate a maximum of two drug receipt coordinators, and
- C. Give evidence of cooperative agreement with a DEA registered laboratory qualified to perform requisite analytical services, and
- D. Develop and submit protocol for the handling and transporting of controlled substances that is acceptable to local law enforcement authorities and the Commission, and
- E. Give evidence of a cooperative agreement between the program, local law enforcement and prosecutorial authorities reflecting approval of the proposed street drug analysis operation.

Rule 64.03 Types of Analysis

- A. Quantitative analysis may be conducted; however to prevent the possibility of dealers utilizing these labs as a quality control ONLY QUALITATIVE RESULTS MAY BE GIVEN TO THE DONOR.
- B. Analysis should be sufficient to determine if dangerous adulterants are in the sample or if the strength is so great that use would be harmful to the user. In these cases, the donor can only be told what the drug was and that use would be dangerous.
- C. Quantitative information may be released by the analytical laboratory to medical practitioners performing emergency services and to the Commission for research purposes.

Rule 64.04 Recordkeeping and Reporting

Each person engaged in the receipt and analysis of anonymous samples shall:

- A. Maintain records containing the following information:
(to the extent known and reasonably ascertainable)
 - 1. Lab identification number
 - 2. Date sample received
 - 3. Purported contents and actual identification
 - 4. Quantity received
 - 5. Form of sample (i.e., powder, liquid, tablet, etc.)
 - 6. Description of sample
 - 7. Quantity utilized in analysis
 - 8. Disposition of sample
 - 9. Street price if known
 - 10. Method sample received
- B. Report presence of dangerous adulterants or substances
immediately to the Commission and any emergency medical
treatment facility with whom they have a cooperative
service agreement.
- C. Report results of each month's testing endeavor to the
Commission not later than the 10th working day of the
following month.
- D. Request analytical laboratories to furnish copies of
their quarterly DEA reports to the Commission.
- E. Provide adequate measures to ensure than only qualitative
information is disseminated to donors and quantitative
reports are only distributed to persons authorized
within this section.

Rule 64.05 SecurityA. Physical

1. All samples received must be treated and secured as for Schedule II substances, and maintained under a continuous receipt system approved by the Commission.
2. Submitted samples must be transported to the analytical laboratory in an expeditious manner. Normally, this means that transportation should be accomplished on the date of receipt, or the next immediate laboratory working day.
3. Programs must provide a safe or other suitable steel container to store drug samples while awaiting transport to the laboratory. The storage container must be of sufficient construction as to satisfactorily guard against theft of the contents or the container itself.

B. Personnel

Drug receipt coordinators shall furnish three copies of standard fingerprint identification cards to the Commission to provide a positive identification means. The cards should be executed by the local law enforcement agency cooperating with the program in the analysis venture. An acceptable alternative to the submission of the fingerprint cards to the Commission is written certification from the local law enforcement authority that the designees satisfy the registration criteria to distribute controlled substances under the State Controlled Substances Act.

Rule 64.06 Transportation of Samples

- A. The transport of samples from the program to the analytical laboratory must be accomplished by the drug receipt coordinators within specific hours and over specific routes using specific vehicles as agreed upon by the local law enforcement authority, or
- B. Via U.S. registered mail. Note: Transportation to the post office shall be as outlined in paragraph A above.
- C. Any unauthorized deviation from the transportation protocol may be grounds for administrative or criminal action on the part of appropriate authorities, including the Commission.

Rule 64.07 Disposition of Samples

- A. All samples shall be delivered to the laboratory in their entirety as received by the program. Failure to deliver the entire sample as received may be grounds for administrative and/or criminal action. Destruction of samples or portions thereof by program personnel is prohibited.
- B. Post analytical destruction of samples by the laboratory must be accomplished in accordance with current Federal and State regulations.

SECTION 65
to 70

RESERVED

SECTION 82 GRANTS AND PROCEDURESRule 82.01 Declaration and Purpose

The Illinois Dangerous Drugs Commission, pursuant to the authority and responsibility conferred by the Federal Drug Abuse Office and Treatment Act of 1972, P.L. 92-255 as amended, and the Illinois Dangerous Drug Abuse Act of 1974, Chapter 91½, Sec. 120 et.seq. as amended, proposes to adopt the following policy and procedures governing its award of State and Federal drug abuse prevention and treatment funds.

Rule 82.02 Section 409 Formula Grants

Funds available for award under Section 409, Public Law 92-255 shall be granted according to the following procedures.

- A. Pursuant to an analysis of the drug abuse problems and needs for service throughout the State, and pursuant to the current approved State Plan for Drug Abuse Prevention, the Executive Director shall submit for the approval of the Commissioners, on a semi-annual basis, a proposed allocation of available funds for grant award. The proposed allocations shall identify the amount of funds to be made available by geographic and functional categories reflecting the priorities of the Commission.

Rule 82.02
Continued

Upon the Commissioners' approval of the plan for allocating funds, the Executive Director will circulate and make available the approved allocation and the necessary application forms to all interested parties. Applicants will be advised in the announcement of any requirement for local or regional review by clearinghouses, mental health boards, health systems agencies or other organizations as may be required by law or regulation.

- B. A staff technical assistance team will be appointed by The Executive Director to provide assistance to any eligible organizaion in the preparation of an application for funds. Members of the staff technical assistance team will not be eligible to participate in a review of applications.
- C. A summary of all applications received will be forwarded to the Illinois Dangerous Drugs Advisory Council for their review and comment.
- D. Eligible applications shall be presented to a staff review team consisting of five staff members and two outside reviewers selected on the basis of their knowledge and experience in the provision of drug abuse services, but having no direct interest in any application being reviewed.

Rule 82.02
Continued

The review team shall discuss the proposals and rank them in order of priority for funding on a numerical basis, giving attention to the following factors:

1. The need for the program in the geographic and functional areas which it is intended to serve.
2. The suitability of the proposed activity to meet the demonstrated need.
3. The ability of the agency or organization making the application to carry out the proposed activity.
4. The degree of which the proposal addresses the priorities established in the State Plan.

E. The Executive Director will review and approve, with modifications if he deems necessary, the recommendations of the staff review team and forward his final recommendations to an Executive Committee of the Commissioners, consisting of the Chairman of the Commission and two other members appointed by him, including at least one public member.

F. If a majority of the members of the Executive Committee approve the Executive Director's recommendations, the remainder of the Commissioners and Advisory Council members will be notified and award documents forwarded to the applicants. If the Executive Committee members do not

Rule 82.02
Continued

approve the Executive Director's recommendation, it, together with the Committee's views, will be forwarded to the full membership of the Commission for a final determination.

Both the Executive Committee's approval and any final determination by the Commission in this matter may be conducted by mail.

G. Section 409 Funds are developmental in purpose and will therefore be allocated as follows:

1. Forty percent of the available funds in a single grant year will be for the development of urban/suburban drug abuse treatment capability, thirty percent will be reserved for the development of rural drug abuse treatment capability, and thirty percent for the development of drug abuse prevention, education and early intervention capabilities.
2. Funding may not exceed three years for any one project, with 409 grant funds paying for a maximum of 95% of program costs the first and second years and a maximum of 70% the third year. Required matching funds may be in-kind goods or services up to fifteen percent of the approved annual program costs with the remainder required to be in cash.
3. Funding under this section may not exceed \$60,000

Rule 82.02
Continued

annually for a single project, and no more than two projects may be funded within the same organization or operating agency within the same grant year.

H. Applicant eligibility is determined as follows:

1. Any public or private not-for-profit agency, organization or institution is eligible to apply for and receive an award under this section.
2. Unless specifically exempted, any such agency, organization or institution must satisfy Commission requirements for licensure according to the current applicable provisions of the Rules and Regulations promulgated by the Commission.
3. All applications must be completed and submitted on a form and in the manner prescribed by the Executive Director, be submitted within the time limits prescribed by the Executive Director, and contain evidence of any local, regional or state clearinghouse review that may be required by current law or regulation.
4. To be eligible, applications must not request in excess of 115% of the funds identified as available in a given program area by an approved allocation under this section.
5. An applicant may be deemed ineligible for failure to

Rule 82.02
Continued

comply with equal employment opportunity guidelines of the Illinois Fair Employment Practices Commission or the Department of Health, Education and Welfare or any other applicable state or federal law or regulation.

I. The Executive Director shall give special emphasis to:

1. The wide distribution of the approved State Plan and application procedures in order that the greatest possible number of potential applicants may be apprised of the opportunity for participation in the Commission's programs;
2. The prompt dissemination of information to members of the Commission's Advisory Council and its Committees as they may require for the exercise of their duties and responsibilities; and
3. The establishment of appropriate agreements and mechanisms to provide for the Commission's cooperative review of drug abuse and drug abuse related applications with other state, local and federal agencies.

Rule 82.03 Statewide Services Contract/Section 410 Pass-Through Funding.

- A. Upon receipt of an RFP from the National Institute on Drug Abuse/DHEW, the Executive Director is authorized to solicit proposals from eligible subcontractors and to negotiate with the subcontractors and with NIDA/DHEW to secure the award of an approved Statewide Services Contract.
- B. The Executive Director shall recommend renewing subcontracts only upon a satisfactory performance review.
- C. When it is necessary to select or seek new subcontractors for NIDA/DHEW approval and inclusion in the Statewide Services Contract, the Executive Director is authorized to announce the availability of funds for the specific type of services to be provided and to establish a staff technical assistance team and staff review team as in Rule 82.02 above to review those proposals.
- D. The Executive Director shall notify the Executive Committee of any new contractors selected. If the Executive Director does not approve the Director's recommendation, it, together with the Committee's comments will be forwarded to Commission for their final determination.
- E. Upon securing approval of the Statewide Services Contract from DHEW/NIDA, the Executive Director shall notify the members of the Commission and the approved subcontractors.

Rule 82.03
Continued

- F. A subcontractor's cost of service and scope of work must approved by NIDA/DHEW. Matching funds are required on an overall statewide basis at a 60% Federal/40% Local ratio. Section 410 statewide services subcontracts are intended to supplement the development and capacity of the state's basic treatment services.

Rule 82.04

State General Revenue Funds; Annual Contracts For The Provision of Drug Abuse Services.

- A. The Executive Director is authorized to negotiate individually with service providers for the provision of sustained direct treatment services for drug abuse, drug dependency and drug addiction provided that:
1. An assessment of the need for service has been conducted;
 2. A review of the utilization of existing services has been conducted;
 3. A review of the performance of existing contractors and of compliance with licensure rules and regulations has been conducted, addressing programmatic, fiscal, and clinical areas; and
 4. Any required approvals for the rates of reimbursement have been secured.
- B. Contracts under this section with organizations not

Rule 82.04
Continued

previously contracted with, or contracts which are significantly changed from previous years either in number of persons to be served or in the amount of funds (plus or minus 20%), will be sent to the Executive Committee for review. If the Executive Committee does not approve the Executive Director's recommendation, it, together with the Committee's comments will be forwarded to the Commission for final determination. Applicants will be notified of the acceptance of their contracts, and the Commissioners will be provided with a summary report of services to be provided by contracts approved under this section.

- C. No more than 25% of these funds may be used to match Federal funds in order to preserve the State's Title XX reimbursement for social services. The distribution of the 25% which may be used as match shall be within the authority of the Executive Director to determine.

Rule 82.05 General Authority

- A. The Executive Director is authorized to accept, and pass through by award or contract where appropriate, other Federal and State funds which are limited to specific purposes or which may be necessary to carry out the duties and responsibilities of the Commission, provided that notice is given to the Commission prior to the next regularly scheduled Commission meeting and that any action

Rule 82.05
Continued

taken by the Director may be modified by the Commission at that meeting.

- B. The Executive Director may enter into a contract or make an award of funds when in his determination an emergency exists. An emergency shall be deemed to exist when in the interest of the public health, safety or welfare, immediate funding is necessary to sustain existing program services or to minimize or prevent a serious disruption of drug abuse treatment or prevention services. The Director shall notify the Commissioners of any action taken under this section prior to the next regularly scheduled Commission meeting, and the Commission may modify any action taken by the Director under this part.
- C. The Executive Director is authorized to make adjustments or revisions in any funding agreement as may become necessary during the course of the program year. However, the Director shall notify the Commissioners prior to the next regularly scheduled Commission meeting of any action taken under this section which significantly alters the purpose or scope of the original award or changes the amount thereof by 15% or \$5,000, whichever is greater.
- D. The Executive Director may suspend or terminate any award or contract or grant:
1. For cause pursuant to Section 83 or the Commission

Rule 82.05
ContinuedRules and Regulation - or

2. Pursuant to the terms of the funding agreement.

Rule 82.06 Appeals and Rights of Applicants

- A. Any agency or organization submitting an application pursuant to these procedures is entitled to receive a summary of any reviews and judgments made concerning that application and will be provided with that information after a final determination has been made concerning the application.
- B. An applicant or contractor whose funding agreement has been suspended or terminated, or an applicant for funds or existing contractor eligible for renewal or continuation which is denied renewal or continuation, or an existing grantee or contractor whose funding is reduced by more than 20% pursuant to Rule 82.04 above, is eligible to appeal that denial, termination, suspension or reduction pursuant to Section 83 of the Rules and Regulations for Drug Abuse Programs.
- C. New applicants or applicants for newly available funds are not entitled to appeal a denial of their application.

Rule 82.07 These Procedures Become Effective Upon Adoption by the Commission and Supersede Any Previous Procedures With Which They Are In Conflict.

SECTION 82 83 SUSPENSION AND TERMINATION OF FINANCIAL ASSISTANCERule ~~82.01~~
83.01Purpose and scope

This Section establishes rules and review procedures for the suspension and termination of assistance provided by the Commission pursuant to: Sections 409 and 410 of Title IV of the Drug Abuse Office and Treatment Act of 1972, as amended, 21 USC 1176 and 1177; Section 5.3 and 5.6 of the Dangerous Drug Abuse Act, as amended; and Chapter 91½, Sections 120.5-3 and 120.5-6, Illinois Revised Statutes (hereinafter referred to as the "Acts"), because of a material failure of a recipient to comply with the terms and conditions of any grant contract providing assistance under these sections of the Acts, including applicable laws, regulations, issued program guidelines, instructions, and contract or grant conditions or approved work programs.

Rule ~~82.02~~
83.02Application

This Section applies to program authorized under the Acts, except where any grant or contract, by its terms, provides to the contrary.

Rule ~~82.03~~
83.03Definitions

As used in this Section:

- A. The term "agency" means a public or private agency, institution or organization or a State or other political jurisdiction with which the recipient has entered into an arrangement, contract or agreement to assist in its carrying out of the development, conduct and administration of all or part of a project assisted under the Acts.
- B. The term "assistance" means assistance under the Acts in the form of grants or contracts involving Federal or State funds for the administration of which the Commission has responsibility.
- C. The term "party" in the case of a termination hearing means the Commission, the recipient concerned, and any other agency or organization which has a right or which has been granted permission by the presiding officer to participate in a hearing concerning termination of assistance to the recipient pursuant to Rule ~~82.05-(E)~~ 83.05(E).
- D. The term "recipient" means a public or private agency, institution or organization or a State or other political jurisdiction which has received assistance under the

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Continued

Acts but does not include individuals who ultimately receive benefits under any program of assistance or volunteers participating in any program.

- E. The term "responsible Commission official" means the Executive Director and Deputy Director of the Commission and shall include their duly authorized representatives.
- F. The term "suspension" means any action temporarily suspending or curtailing assistance in whole or in part, to all or any part of a program, prior to the time that such assistance is concluded by the terms and conditions of the document in which such assistance is extended, but it does not include the refusal to provide new or additional assistance.
- G. The term "termination" means any action permanently terminating or curtailing assistance to all or part of a program prior to the time that such assistance is concluded by the terms and conditions of the document in which such assistance is extended, but it does not include the refusal to provide new or additional assistance.

Rule ~~82.04~~
83.04

Suspension

- A. General - The responsible Commission official may suspend assistance to a recipient in whole or in part for a material failure or threatened material failure to comply with any requirement stated in Rule ~~82.04~~ 83.01. Such suspension shall be pursuant to notice and opportunity to show cause why assistance should not be suspended as provided in paragraph B of this rule. However, in emergency cases, where the responsible Commission official determines summary action is appropriate, the alternative summary procedure of paragraph C of this rule shall be followed.
- B. Suspension on notice
 - 1. Except as provided in paragraph C of this rule, the procedure for suspension shall be on notice of intent to suspend as hereinafter provided.
 - 2. The responsible Commission official shall notify the recipient by letter or by telegram that the Commission intends to suspend assistance in whole or in part unless good cause is shown why assistance should not be suspended. In such letter or telegram, the responsible Commission official shall specify the effective date of the suspension.
 - 3. The responsible Commission official shall also inform the recipient of its right to submit written material in

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opposition to the intended suspension and of the right to request in writing an informal meeting at which the recipient may respond and attempt to show why such suspension should not occur. The period of time within which the recipient may submit such written material or request the informal meeting shall be established by the responsible Commission official in the notice of intent to suspend. However, in no event shall the period of time within which the recipient must submit written material or request such a meeting be less than seven days after the notice of intent to suspend assistance has been sent. If the recipient requests a meeting, the responsible Commission official shall fix a time and place for the meeting which shall not be less than seven days after the recipient's request is received by the Commission.

4. In lieu of the provisions of paragraph B3 of this rule dealing with the right of the recipient to request an informal meeting, the responsible Commission official may use own initiative to establish a time and place for such a meeting and notify the recipient in writing or by telegram. However, in no event shall such a meeting be scheduled less than seven days after the notice of intent to suspend assistance is sent to the recipient.
5. The responsible Commission official may use discretion to extend the period of time or date referred to in the previous paragraphs of this rule and shall notify the recipient in writing or by telegram of such extension.
6. At the time the responsible Commission official sends the notification referred to in paragraphs B2, 3 and 4 of this rule to the recipient, he shall also send a copy of it to any agency whose activities or failures to act have substantially contributed to the proposed suspension and shall inform such agency that it is entitled to submit written material or to participate in the informal meeting referred to in paragraphs B3 and 4 of this rule. In addition, the responsible Commission official may use discretion to give such notice to any other agency.
7. Within three days of receipt of the notice referred to in paragraphs B2, 3 and 4 of this rule, the recipient shall send a copy of such notice and a copy of these regulations to all agencies which would be financially affected by the proposed suspension action. Any agency that wishes to submit written material may do so within the time stated in the notice. Any agency that wishes to participate in the informal meeting with the responsible Commission official contemplated herein may

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request in writing permission to do so from the responsible Commission official, who may use discretion to grant or deny such permission. In acting upon such request from an agency, the responsible Commission official shall take into account the effect of the proposed suspension on the particular agency, the extent to which the meeting would become unduly complicated as a result of granting such permission, and the extent to which the interests of the agency requesting such permission appear to be adequately represented by other participants.

8. In the notice of intent to suspend assistance, the responsible Commission official shall invite voluntary action to adequately correct the deficiency which led to the initiation of the suspension proceedings.
9. The responsible Commission official shall consider any timely material presented to him in writing, any material presented to him during the course of the informal meeting provided for in paragraphs B3 and 4 of this rule, and any showing that the recipient has adequately corrected the deficiency which led to the initiation of suspension proceedings. If, after considering the material presented to him, the responsible Commission official concludes the recipient has failed to show cause why assistance should not be suspended, he may suspend assistance in whole or in part and under such terms and conditions as he shall specify.
10. Notice of such suspension shall be promptly transmitted to the recipient and shall become effective upon delivery. Suspension shall not exceed 30 days unless during such period of time termination proceedings are initiated in accordance with Rule ~~82.05~~ 83.05 or unless the responsible Commission official and the recipient agree to a continuation of the suspension for an additional period of time. If termination proceedings are initiated, the suspension of assistance shall remain in full force and effect until such proceedings have been fully concluded.
11. During a period of suspension, no new expenditures shall be made and no new obligations shall be incurred in connection with the suspended program except as specifically authorized in writing by the responsible Commission official. Expenditures to fulfill legally enforceable commitments made prior to the notice of suspension, in good faith and in accordance with the recipient's approved work program, and not in anticipation of suspension or termination, shall not be considered new expenditures. However, funds shall not be recognized as committed solely because the recipient has obligated them by contract or otherwise to an agency.

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12. The responsible Commission official may use discretion to modify the terms, conditions and nature of the suspension or rescind the suspension action at any time on his own initiative or upon a showing satisfactory to him that the recipient has adequately corrected the deficiency which led to the suspension and that repetition is not threatened. Suspensions partly or fully rescinded may be in the discretion of the responsible Commission official be reimposed with or without further proceedings, provided, however, that the total time of suspension may not exceed 30 days unless termination proceedings are initiated in accordance with Rule 82-05 83.05 or unless the responsible Commission official and the recipient agree to a continuation of the suspension for an additional period of time. If termination proceedings are initiated, the suspension of assistance shall remain in full force and effect until such proceedings have been fully concluded.

C. Summary suspension

1. The responsible Commission official may suspend assistance without the prior notice and opportunity to show cause provided in paragraph B of this rule if he determines in his discretion that immediate suspension is necessary because of a serious risk of:
 - (a) Substantial injury to or loss of project funds or property;
 - (b) Violation of a Federal, State or local criminal statute; or
 - (c) Violation of Commission rules, regulations, guidelines and instructions;

and such risk is sufficiently serious to outweigh the general policy in favor of advanced notice and opportunity to show cause.

2. Notice of summary suspension shall be given to the recipient by letter or by telegram, shall become effective upon delivery to the recipient, and shall specifically advise the recipient of the effective date of the suspension and the extent, terms and conditions of any partial suspension. The notice shall also forbid the recipient to make any new expenditures or incur any new obligations in connection with the suspended portion of the program. Expenditures to fulfill suspension, in good faith and in accordance with the recipient's approved work program, and not in anticipation of suspension or termination, shall not be

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considered new expenditures. However, funds shall not be recognized as committed by a recipient solely because the recipient obligated them by contract or otherwise to an agency.

3. In the notice of summary suspension, the responsible Commission official shall advise the recipient that it may request in writing the Commission to provide it with an opportunity to show cause why the summary suspension should be rescinded. If the recipient requests such an opportunity, the responsible Commission official shall immediately inform the recipient in writing of the specific grounds for the suspension and within seven days after receiving such request from the recipient shall hold an informal meeting at which the recipient may show cause why the summary suspension should be rescinded.

Notwithstanding the provisions of this subparagraph, the responsible Commission official may proceed to initiate termination proceedings at any time even though assistance to the recipient has been suspended in whole or in part. In the event that termination proceedings are initiated, the responsible Commission official shall nevertheless afford the recipient, if it so requests in writing, an opportunity to show cause why suspension should be rescinded pending the outcome of the termination proceedings.

4. Copies of the notice of summary suspension shall be furnished by the recipient to agencies in the same manner as notices of intent to suspend as set forth in paragraphs B6, 7 and 8 of this rule. Agencies may submit written material to the responsible Commission official or to participate in the informal meeting in the case of intended suspension proceedings set forth in paragraphs B6 and 7 of this rule.
5. The effective period of a summary suspension of assistance may not exceed 30 days unless termination proceedings are initiated in accordance with Rule ~~82-05~~ 83.05 or unless the parties agree to a continuation of summary suspension for an additional period of time or unless the recipient, in accordance with paragraph C3 of this rule, requests in writing an opportunity to show cause why the summary suspension should be rescinded.
6. If the recipient requests an opportunity to show cause why a summary suspension action should be rescinded, the suspension of assistance shall continue in effect until the recipient has been afforded such opportunity and a decision has been made. Such a decision shall be made within seven days after the conclusion of the informal

Rule 82-04

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Continued

meeting referred to in paragraph C3 of this rule. If the responsible Commission official concludes, after considering all material, why the suspension should be rescinded, the responsible Commission official may continue the suspension in effect for an additional seven days, provided, however, that if termination proceedings are initiated, the summary suspension of assistance shall remain in full force and effect until all termination proceedings have been fully concluded.

Rule ~~82.05~~
83.05

Termination

- A. If the responsible Commission official believes that an alleged failure to comply with any requirement stated in Rule 82.01 may be sufficiently serious to warrant termination of assistance, whether or not assistance has been suspended, he shall so notify the recipient by letter or telegram. The notice shall state that there appear to be grounds which warrant terminating the assistance and shall set forth the specific reasons therefor. If the reasons result in whole or substantial part from the activities of an agency other than the grantee, the notice shall identify that agency. The notice shall also advise the recipient that the matter has been set down for hearing at a stated time and place, in accordance with Rule 82.06. In the alternative, the notice shall advise the recipient of its right to request in writing a hearing and shall fix a period of time which shall not be less than seven days in which the recipient may request such hearing.
- B. Termination hearings shall be conducted in accordance with the provisions of Rules 82.07 and 82.08. They shall be scheduled for the earliest practicable date, but not later than 30 days after a recipient has requested such a hearing in writing or by telegram. Consideration shall be given to a written request by a recipient to advance or postpone the date of a hearing scheduled by the Commission. Any such hearing shall afford the recipient a full and fair opportunity to demonstrate that it is in compliance with requirements specified in Rule 82.01. In any termination hearing, the Commission shall have the burden of justifying the proposed termination action. However, if the basis of the proposed termination is the failure of a recipient to take action required by law, regulation or other requirement specified in Rule 82.01, the recipient shall have the burden of proving that such action was timely taken.
- C. If a recipient requests the Commission to hold a hearing in accordance with paragraph A of this rule, it shall send a copy of its request for such a hearing to all agencies which would be financially affected by the termination of assistance and to each agency identified in the notice pursuant to paragraph A of this rule. This material shall be sent to these agencies at the same time the recipient's request is made to the Commission. The recipient shall promptly send the Commission a list of the agencies to which it has sent such material and the date on which it was sent.

Rule 83.05Continued

- D. If the responsible Commission official pursuant to paragraph A of this rule informs a recipient that a proposed termination action has been set for hearing, the recipient, within three days of its receipt of this notice, shall send a copy of it to all agencies which would be financially affected by the termination and to each agency identified in the notice pursuant to paragraph A of this rule. The recipient shall send the responsible Commission official a list of all agencies notified and the date of notification.
- E. If the responsible Commission official has initiated termination proceedings because of the activities of an agency, that agency may participate in the hearing as a matter of right. Any other agency, person or organization that wishes to participate in the hearing, in accordance with Rule 82.07 (D), may request permission in writing to do so from the presiding officer of the hearing. Such participation shall not alter, without the consent of the Commission and the recipient, the time limitation for the delivery of papers or other procedures set forth in this rule.
- F. The results of the proceedings and any measure taken thereafter by the Commission pursuant to this part shall be fully binding upon the recipient and all agencies whether or not they actually participate in the hearing.
- G. A recipient may waive a hearing by notice to the responsible Commission official in writing and may submit written information and argument for the record. Such material shall be submitted to the responsible Commission official within a reasonable period of time to be fixed by the official upon the written request of the recipient. The failure of a recipient to request a hearing or to appear at a hearing for which a date has been set, unless excused for good cause, shall be deemed a waiver of the right to a hearing and consent to the making of a decision on the basis of such information as is then in the possession of the Commission.
- H. The responsible Commission official may attempt, either personally or through a representative, to resolve the issues in dispute by informal means prior to the date of any applicable hearing.

Rule 82.0683.06Time and place of termination hearing

The termination hearing shall be held at the office of the Commission at a time fixed by the responsible Commission official unless the official determines that the convenience of the Commission or that of the parties or their representatives requires that another place be selected.

Rule ~~82.07~~83.07 Termination hearing procedures

- A. General - The termination hearing, decision and any review thereof shall be conducted in accordance with the rules of procedure set forth in this rule and Rules 83.08 and 83.09
- B. Presiding officer
1. The presiding officer at the hearing shall be the Commission members, the responsible Commission official or, at the discretion of the Commission members or the responsible Commission official, a hearing officer of the Commission. The presiding officer shall conduct a full and fair hearing, avoid delay, maintain order, and make a sufficient record for a full and true disclosure of the facts and issues. To accomplish these ends, the presiding officer shall have all powers authorized by law and may make all procedural and evidentiary rulings necessary for the conduct of the hearing. The hearing shall be open to the public unless the presiding officer for good cause shown shall determine otherwise.
 2. After the notice described in paragraph F of this rule is filed with the presiding officer, the officer shall not consult any person or party on a fact in issue unless on written notice and opportunity for all parties to participate. However, in performing the presiding officer's functions under this part, the officer may use the assistance and advice of a technical advisor of the Commission designated by the Executive Director, provided that the technical advisor designated to assist the officer has not represented the Commission or any other party or otherwise participated in any proceedings, recommendation or decision in the particular matter.
- C. Presentation of evidence - Both the Commission and the recipient are entitled to present their case by oral or documentary evidence, to submit rebuttal evidence, and to conduct such examination and cross-examination as may be required for a full and true disclosure of all facts bearing on issues. The issues shall be those stated in the notice required to be filed by paragraph F of this rule, those stipulated in a pre-hearing conference, or those agreed to by the parties.

Rule ~~82.07~~
83.07

D. Participation

1. In addition to the Commission, the recipient, and any agency which has a right to appear, the presiding officer may use discretion to permit the participation in the proceedings of such persons or organizations as the officer deems necessary for a proper determination of the issues involved. Such participation may be limited to those issues or activities which the presiding officer believes will meet the needs of the proceedings and may be limited to the filing of written material.
 2. Any person or organization that wishes to participate in the proceedings may apply for permission in writing to do so from the presiding officer. This application, which shall be made as soon as possible after the notice of suspension or proposed termination has been received by the recipient, shall state the applicant's interest in the proceedings, the evidence or arguments the applicant intends to contribute, and the necessity for the introduction of such evidence or arguments.
 3. The presiding officer shall permit or deny such participation and shall give notice of the decision to the applicant, the recipient, and the Commission, and in the case of denial, a brief statement of the reasons therefor, provided, however, that the presiding officer may subsequently permit such participation if, in the officer's opinion, it is warranted by subsequent circumstances. If participation is granted, the presiding officer shall notify all parties of that fact and may, in appropriate cases, include in the notification a brief statement of the issues as to which participation is permitted.
 4. Permission to participate to any extent is not a recognition that the participant has any interest which may be adversely affected or that the participant may be aggrieved by any decision but is allowed solely for the aid and information of the presiding officer.
- E. Filing - All papers and documents which are required to be filed shall be filed with the presiding officer. Prior to filing, copies shall be sent to the other parties.
- F. Notice - The responsible Commission official shall send the recipient and any other party a written notice which states the time, place, nature of the hearing, and the legal authority and jurisdiction under which the hearing is to be held.

83.07 F.
Continued

The notice shall also identify with reasonable specificity the facts relied on as justifying termination and the Commission requirements which it is contended the recipient has violated. The notice shall be filed and served not later than ten days prior to the hearing, and a copy thereof shall be filed with the presiding officer.

- G. Notice of intention to appear - The recipient and any other party which has a right or has been granted permission to participate in the hearing shall give written confirmation to the Commission of its intention to appear at the hearing three days before the hearing is scheduled to occur. Failing to do so, at the discretion of the presiding officer, may be deemed a waiver of the right to a hearing.
- H. Form and date of service - All papers and documents filed or sent to a party shall be signed in ink by the appropriate party or his authorized representative. The date on which papers are filed shall be the day on which the papers or documents are deposited, postage prepaid, in the U.S. mail or are delivered in person, provided, however, that the effective date of the notice that there appear to be grounds which warrant terminating assistance shall be the date of its delivery or attempted delivery at the recipient's last known address as reflected in the records of the Commission.
- I. Prehearing conferences - Prior to the commencement of a hearing, the presiding officer, subject to the provisions of paragraph B2 of this rule, may require the parties to meet or correspond with the officer concerning the settlement of any matter which will expedite a quick and fair conclusion of the hearing.
- J. Evidence - Technical rules of evidence shall not apply to hearings conducted pursuant to this section, but the presiding officer shall apply rules or principles designated to assure production of relevant evidence and to subject testimony to such examination and cross-examination as may be required for a full and true disclosure of the facts. The presiding officer may exclude irrelevant, immaterial, or unduly repetitious evidence. A transcript may be made of the oral evidence and may be made available to any participant upon payment of the prescribed costs. All documents and other evidence submitted shall be open to examination by the parties, and opportunity shall be given to refute facts and arguments advanced on either side of the issues.

Rule 82.07

Continued

- K. Depositions - If the presiding officer determines that the interest of justice would be serviced, the officer may authorize the taking of depositions, provided that all parties are afforded an opportunity to participate in the taking of the depositions. The party who requested the deposition shall arrange for a transcript to be made of the proceedings and, upon request and at his expense, shall furnish all other parties with copies of the transcript.
- L. Official notice - Official notice may be taken of a public document, or part thereof, such as a statute, official report, decision, opinion or published scientific data issued by any agency of the Federal Government of a State or local government, and such document or data may be entered on the record without further proof of authenticity. Official notice may also be taken of such matters as may be judicially noticed in the courts of the United States or any other matter of established fact within the general knowledge of the Commission. If the decision of the presiding officer rests on an official notice of a material fact not appearing in evidence, a party shall on timely request be afforded an opportunity to show the contrary.
- M. Proposed findings and conclusions - After the hearing has concluded, but before the presiding officer makes a decision, the officer shall afford each participant a reasonable opportunity to submit proposed findings of fact and conclusions. After considering each proposed finding or conclusion, the presiding officer shall state in the decision whether the officer has accepted or rejected them in accordance with the provisions of Rule 82.08(A).

Rule 82.08

83.08 Decisions and notices regarding termination

- A. Each decision of a presiding officer shall set forth the findings of fact and conclusions and shall state whether the officer has accepted or rejected each proposed finding of fact and conclusion submitted by the parties, pursuant to Rule 82.07(M). Findings of fact shall be based only upon evidence submitted to the presiding officer and matters of which official notice has been taken. The decision shall also specify the requirement(s) with which it is found that the recipient has failed to comply.

Rule ~~82.08~~
83.08
Continued

- B. The decision of the presiding officer may provide for continued suspension or termination of assistance to the recipient in whole or in part and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Rules.
- C. If the hearing is held by a hearing officer of the Commission rather than by the responsible Commission official, the hearing officer shall make an initial decision and a copy of this initial decision shall be mailed to all parties. Any party, within 15 days of the mailing of such initial decision or such longer period of time as the presiding officer specifies, may file with the responsible Commission official its written exceptions to the initial decision and any supporting brief or statement. Upon the filing of such exceptions, the responsible Commission official, within 30 days of the mailing of the exceptions, shall review the initial decision and issue the official's own written decision thereof, including the reasons therefor. The decision of the responsible Commission official may increase, modify, approve, vacate, remit, or mitigate any sanction imposed in the initial decision or may remand the matter to the presiding officer for further hearing or consideration.
- D. Whenever a hearing is waived, a decision shall be made by the responsible Commission official and a written copy of the final decision of the responsible Commission official shall be given to the recipient.

Illinois Department on Aging -- Emergency Adoption of Title V Application
(Funds to acquire, alter, or renovate existing facilities, including the initial equipment of such facilities, to serve as Multi-Purpose Senior Centers)

The Illinois Department on Aging proposes an emergency rule for the Application for Funds under Title V of the Older Americans Act. The form specifies information which must be submitted to the Department for consideration of grant awards. The form is adopted as an emergency rule because the funds must be committed prior to October 31, 1977.

If any interested persons wish to present their views concerning this emergency rule, they may do so by sending written comments to the attention of:

Mr. Frank Vala
Title V Coordinator
Illinois Department on Aging
2401 West Jefferson
Springfield, Illinois

The Department will consider all written comments received by the Department within 30 days, beginning on the date of publication of this Notice.

ILLINOIS DEPARTMENT ON AGING
FY 1977

TITLE V
OLDER AMERICANS ACT OF 1965

Submitted _____, 1977, by

Agency

Street Address

City

Zip Code

()

Telephone

To

Illinois Department on Aging
2401 West Jefferson Street
Springfield, Illinois 62706

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Title V of the Older Americans Act of 1965

Operating Principles of Senior Centers

INTRODUCTION

The purpose of Title V and its Regulations is to establish procedures for implementing Sections 501-505 of Title V of the Older Americans Act of 1965, as amended, which provide for the making of Grants and Contracts to pay part of the costs of acquiring, altering, or renovating existing facilities, including the initial equipment of such facilities, to serve as multi-purpose senior centers.

WORKING DEFINITION OF A SENIOR CENTER

A Senior Center is a community focal point on aging where older persons, as individuals or in groups, come together for services and activities which enhance their dignity, support their independence, and encourage their involvement in and with the community. As part of a comprehensive community strategy to meet the needs of older persons, Senior Center Programs take place within and emanate from a facility. These programs consist of a variety of services and activities in such areas as education, creative arts, recreation, advocacy, leadership development, employment, health, nutrition, social work and other supportive services. The center also serves as a community resource for information on aging, for training professional and lay leadership and for developing new approaches to aging programs.

1. TYPE OF ACTION <i>(Mark one)</i> <input type="checkbox"/> Reapplication <input type="checkbox"/> Application		2. APPLICATION DATE <div style="display: flex; justify-content: space-between;"> Year month day </div> <div style="display: flex; justify-content: space-between;"> 19 </div>		3. FEDERAL EMPLOYER IDENTIFICATION NUMBER: <div style="display: flex; justify-content: space-between;"> </div>																											
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14. ENDING DATE: <div style="display: flex; justify-content: space-between;"> Year 19 month day </div>		15. THE APPLICANT CERTIFIES THAT: <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> a. To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved. b. If required by OMB Circular A-95 this application was submitted, pursuant to instructions therein, to appropriate clearinghouses and all responses are attached: <div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> (1) (2) (3) </div> <div style="width: 60%;"> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <i>No response</i> <div style="border: 1px solid black; width: 20px; height: 20px; margin: 0 auto;"></div> </div> <div style="text-align: center;"> <i>Response attached</i> <div style="border: 1px solid black; width: 20px; height: 20px; margin: 0 auto;"></div> </div> </div> </div> </div> </div> </div>																													
16. CERTIFYING REPRESENTATIVE: <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> a. Typed Name and Title <div style="border-bottom: 1px solid black; width: 100%;"></div> </div> <div style="width: 30%;"> b. Signature <div style="border-bottom: 1px solid black; width: 100%;"></div> </div> <div style="width: 30%;"> c. Date Signed <div style="display: flex; justify-content: space-between;"> Year month day </div> <div style="display: flex; justify-content: space-between;"> 19 </div> </div> </div>																															

SECTION I - REMARKS (Please reference the proper item number from Section I,
if applicable)

PROJECT APPROVAL INFORMATION

SECTION II

Item 1.	
Does this assistance request require State, local, regional, or other priority rating? ____ Yes ____ No	Name of Governing Body _____ Priority Rating _____
Item 2.	
Does this assistance request require State, or local advisory, educational or health clearances? ____ Yes ____ No	Name of Agency or Board _____ (Attach Documentation)
Item 3.	
Does this assistance request require clearinghouse review in accordance with OMB Circular A-95? ____ Yes ____ No	(Attach Comments)
Item 4	
Does this assistance request require State, local, regional or other planning approval? ____ Yes ____ No	Name of Approving Agency _____ Date _____
Item 5	
Is the proposed project covered by an approved comprehensive plan? ____ Yes ____ No	Check one: State _____ Local _____ Regional _____ Location of Plan _____
Item 6	
Will the assistance requested serve a Federal installation? ____ Yes ____ No	Name of Federal Installation _____ Federal population benefiting from Project _____
Item 7	
Will the assistance requested be on Federal land or installation? ____ Yes ____ No	Name of Federal Installation _____ Location of Federal Land _____ Percent of Project _____
Item 8	
Will the assistance requested have an impact or effect on the environment? ____ Yes ____ No	See instruction for additional information to be provided.
Item 9	
Will the assistance requested cause the displacement of individuals, families, businesses, or farms? ____ Yes ____ No	Number of: Individuals _____ Families _____ Businesses _____ Farms. _____
Item 10	
Is there other related Federal assistance on this project previous, pending, or anticipated? ____ Yes ____ No	See instructions for additional information provided.

ILLINOIS BULLETIN

CONSTRUCTION
SECTION III

1. SITES AND IMPROVEMENTS _____ Not Required _____ Attached as exhibits
Applicant intends to acquire the site through:
_____ Eminent domain _____ Negotiated purchase _____ Other means (specify)
2. TITLE OR OTHER INTEREST IN THE SITE IS OR WILL BE VESTED IN:
_____ Applicant _____ Agency or institution operating the facility
_____ Other (specify)
3. INDICATE WHETHER APPLICANT/OPERATOR HAS:
_____ Fee simple title _____ Leasehold interest _____ Other (specify)
4. IF APPLICANT OPERATOR HAS LEASEHOLD INTEREST, GIVE THE FOLLOWING INFORMATION:
 - a. Length of lease or other estate interest _____,
and number of years to run _____
 - b. Is lease renewable? _____ Yes _____ No
 - c. Current appraised value of land \$ _____
 - d. Annual rental rate \$ _____
5. ATTACH AN OPINION FROM ACCEPTABLE TITLE COUNSEL DESCRIBING THE INTEREST APPLICANT/OPERATOR HAS IN THE SITE AND CERTIFYING THAT THE ESTATE OR INTEREST IS LEGAL AND VALID.
6. WHERE APPLICABLE, ATTACH SITE SURVEY, SOIL INVESTIGATION REPORTS AND COPIES OF LAND APPRAISALS.
7. WHERE APPLICABLE, ATTACH CERTIFICATION FROM ARCHITECT ON THE FEASIBILITY OF IMPROVING EXISTING SITE TOPOGRAPHY.
8. ATTACH PLOT PLAN.
9. TARGET DATES FOR:
Bid Advertisement _____ Contract Award _____
Construction Completion _____ Occupancy _____
10. DESCRIPTION OF FACILITY: Attached as exhibits
Drawings - Attach any drawings which will assist in describing the project.
Specifications - Attach copies of completed outline specifications.
(If drawings and specifications have not been fully completed, please attach copies or working drawings that have been completed.)

ILLINOIS BULLETIN

SECTION. IV

PROPOSED METHOD OF FINANCING NON-FEDERAL SHARE

1. Grantee Share	\$
a. Securities	
b. Mortgages	
c. Appropriations (By Applicant)	
d. Bonds	
e. Tax Levies	
f. Non-cash	
g. Other (Explain)	
h. TOTAL - Grantee share	
2. Other Shares	
a. State	
b. Other	
c. Total Other Shares	
3. TOTAL	

REMARKS

PROGRAM NARRATIVE (Attach - See Instructions)

APPLICANT PROCEDURES FOR SECTION I

Applicant will complete all items in Section I. If an item is not applicable, write "NA". If additional space is needed, insert an asterisk "*", and use the remarks section on the back of the form. An explanation follows for each item:

1. Mark appropriate Box.
2. Date application is prepared.
3. Employer identification number of applicant as assigned by Internal Revenue Service.
4. Legal name of applicant/recipient, name of primary organizational unit which will undertake the assistance activity, complete address of applicant, and name and telephone number of person who can provide further information about this request.
5. Brief title and appropriate description of project. For notification of intent, continue in remarks section if necessary to convey proper description.
6. Mostly self-explanatory. "City" includes town, township or other municipality.
7. Governmental unit where significant and meaningful impact could be observed. List only largest unit or units affected, list it rather than subunits.
8. Estimated number of persons directly benefiting from project.
9. Use appropriate code letter. Definitions are:
 - A. New. A submittal for the first time for a new project.
 - B. Renewal. An extension for an additional funding/budget period for a project having no projected completion date, but for which Federal support must be renewed each year.
 - C. Revision. A modification to project nature or scope which may result in funding change (increase or decrease).
 - D. Continuation. An extension for an additional funding/budget period for a project the agency initially agreed to fund for a definite number of years.
 - E. Augmentation. A requirement for additional funds for a project previously awarded funds in the same funding/budget period. Project nature and scope unchanged.
10. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included.
- 11.a Self explanatory.
- 11.b The district(s) where most of actual work will be accomplished. If city-wide or State-wide, covering several districts, write "city-wide" or "State-wide".
12. Self explanatory.
13. Self explanatory.
14. Self explanatory
- 15.b List clearinghouses to which submitted and show in appropriate blocks the status of their responses. For more than three clearinghouses. Include in remarks section. All written comments submitted by or through clearinghouses must be attached.
16. Name and title of authorized representative of legal applicant.

INSTRUCTIONS

SECTION II

Negative answers will not require an explanation unless the Federal agency requests more information at a later date. Provide supplementary data for all "Yes" answers in the space provided in accordance with the following instructions.

Item 1 - Provide the name of the governing body establishing the priority system and the priority rating assigned to this project.

Item 2 - Provide the name of the agency or board which issued the clearance and attach the documentation of status or approval.

Item 3 - Attach the clearinghouse comments for the application in accordance with the instructions contained in Office Management and Budget Circular No. A-95. If comments were received from the clearinghouse they should be submitted with this application.

Item 4 - Furnish the name of the approving agency and the approval date.

Item 5 - Show whether the approved comprehensive plan is State, local or regional, or if none of these explain the scope of plan. Give the location where the approved plan is available for examination and state whether this project is in conformance with the plan.

Item 6 - Show the Federal population residing or working on the federal installation who will benefit from this project.

Item 7 - Show the percentage of the project work that will be conducted on federally owned or leased land. Give the name of the Federal installation and its location.

Item 8 - Briefly describe the possible beneficial and/or harmful impact on the environment. If impact is anticipated, explain what action will be taken to minimize the impact. Federal agencies will provide separate instructions if additional data is needed.

Item 9 - State the number of individuals, families, businesses, or farms this project will displace. Federal agencies will provide separate instructions if additional data is needed.

Item 10 - Show the Federal Domestic Assistance Catalog number, the program name, the type of assistance, the status and amount of each project where there is related previous, pending, or anticipated assistance. Use additional sheets if needed.

INSTRUCTIONS
SECTION IV

Section C. Proposed Method of Financing
Non-Federal Share.

Line 1. a-g - Show the source of grantee's share. If cash is not immediately available, specify the actions completed to date and those actions remaining to make cash available under Section E Remarks. Indicate also the period of time that will be required after execution of the grant agreement to obtain the funds. If there is a non-cash contribution, explain what this contribution will be.

Line 1. h - Show the total of Line 1 a-g.

Line 2 a - Show the amount that will be contributed to State or state agency, only if the applicant is not a state agency. If there is a noncash contribution, explain what the contribution will consist of under Section E Remarks.

Line 2 b - Show the amount that will be contributed from other sources. If there is a non-cash contribution, explain what this contribution will consist of under Section E Remarks.

Line 2 c - Show the total of Lines 2 a and 2 b.

Line 3 - Enter the totals of Line 1 h and Line 2 c.

Section E. Remarks.

Make any remarks pertinent to the project and provide any other information required by these instructions or the grantor agency. Attach additional sheets, if necessary.

SECTION V
PROGRAM NARRATIVE

Prepare the program narrative statement in accordance with the following instructions for all new grant programs. Requests for supplemental assistance should be responsive to Item 5b only. Requests for continuation or refunding or other changes of an approved project should be responsive to Item 5c only.

1. OBJECTIVE AND NEED FOR THIS ASSISTANCE.

Pinpoint any relevant physical, economic, social, financial, institutional, or other problems requiring a solution. Demonstrate the need for assistance and state the principal and subordinate objectives of the project. Supporting documentation or other testimonies from concerned interests other than the applicant may be used. Any relevant data based on planning studies should be included or footnoted.

2. RESULTS OR BENEFITS EXPECTED.

Identify results and benefits to be derived. For example, include a description of who will occupy the facility and show how the facility will be used. For land acquisition or development projects, explain how the project will benefit the public.

3. APPROACH.

- a. Outline a plan of action pertaining to the scope and detail of how the proposed work will be accomplished for each grant program. Cite factors which might accelerate or decelerate the work and your reason for taking this approach as opposed to others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.
- b. Provide for each grant program monthly or quarterly quantitative projections of the accomplishments to be achieved, if possible. When accomplishments cannot be quantified, list the activities in chrono-

logical order to show the schedule of accomplishments and their target dates.

- c. Identify the kinds of data to be collected and maintained, and discuss the criteria to be used to evaluate the results and success of the project. Explain the methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified in Item 2 are being achieved.
- d. List each organization, cooperator consultant, or other key individuals, who will work on the project along with a short description of the nature of their effort or contribution.

4. GEOGRAPHIC LOCATION

Give a precise location of the project and area to be served by the proposed project. Maps or other graphic aids may be attached.

5. IF APPLICABLE, PROVIDE THE FOLLOWING INFORMATION:

- a. Describe the relationship between this project and other work planned, anticipated, or underway under the Federal Assistance listed under Part II, Section A, Item 10.
- b. Explain the reason for all requests for supplemental assistance and justify the need for additional funding.
- c. Discuss accomplishments to date and list in chronological order a schedule of accomplishments, progress or milestones anticipated with the new funding request.

SECTION VI

ASSURANCES

The Applicant hereby assures and certifies that he will comply with the regulations, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also the Applicant assures and certifies with respect to the grant that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with Title VI of the Civil Rights Act of 1964 (P.O.88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement.
3. It will comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d) prohibiting employment discrimination where (1) the primary purpose of a grant is to provide employment or (2) discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.
4. It will comply with the requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.O. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs.
5. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
6. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
7. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
8. It will give the grantor agency or the Comptroller General through any authorized representative the access to and the right to examine all records, books, papers, or documents related to the grant.
9. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with Office of Management and Budget Circular No. A-102.

SUGGESTED CRITERIA FOR REVIEW OF TITLE V APPLICATIONS
FOR FY 1977 GRANTS

1. Use Grant for renovation or alteration instead of acquisition, if possible.
 - A. Due to the time frame involved in FY 1977 Grants, it is recommended that acquisitions not begin until FY 1978 Grants become available.
2. Set priority for Renovation or Alteration Grant to comply with standards for accessibility and ability to serve handicapped individuals (Section 504).
3. Geographic location and number of elderly served in the multi-purpose center.
4. Cash or in-kind support from Agency.
5. Agency service to:
 - A. Low Income.
 - B. Minorities.
 - C. Isolated Elderly.

6. Written commitments from Agencies to use the facility to deliver services to the elderly.
7. Title V applicants included in Area Plan of Area Agencies.
8. Facility for which funds are requested is adaptable for serving as a multi-purpose center.
9. Application should be technically correct.
10. Agency capability for service and compliance with Grant conditions:
 - A. Experience in service to the elderly.
 - B. Staff experience and qualifications.
 - C. Hiring of older people.
 - D. Size.
 - E. Minority agency.
11. Sponsor's history in participating in cooperative planning and its willingness to link up with other aging components.
12. Sponsor's community relations and evidence of community support.
13. Utilization of new and existing resources in organizing service delivery.

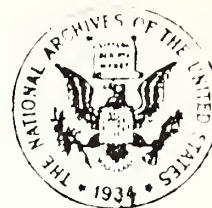
For an applicant to be eligible for a Title V Grant, the following Acts or Regulations must be complied with:

1. LOCAL REGULATORY CODES AND THE LIFE SAFETY CODE - Re: Sec. 1326.7(a).
2. DAVIS-BACON ACT - Re: Sec. 1326.7(b).
3. EQUAL EMPLOYMENT OPPORTUNITY - Re: Sec. 1326.7(b).
4. UNIFORM RELOCATION ACT - Re: Sec. 1326.7(d)(1).
5. FLOOD PROTECTION ACT - Re: Sec. 1326.7(d)(2).
EXECUTIVE ORDER ON FLOOD PLAINS - Re: Sec. 1326.7(d)(4).
6. NATIONAL HISTORIC PRESERVATION ACT - Re: Sec. 1326.7(d)(3).
7. ARCHITECTURAL BARRIERS ACT - Re: Sec. 1326.8(b).
8. NON-DISCRIMINATION ON BASIS OF HANDICAP - Re: Sec. 1326.17.

The above Acts or Regulations will be on file with the area agency.

TUESDAY, JULY 5, 1977

PART II



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development
Administration on Aging

MULTIPURPOSE SENIOR CENTERS

Acquisition, Alteration, or Renovation
of Facilities; Final Regulations

Title 45—Public Welfare

CHAPTER XIII—OFFICE OF HUMAN DEVELOPMENT, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—ADMINISTRATION ON AGING, OLDER AMERICANS PROGRAMS

PART 1326—MULTIPURPOSE SENIOR CENTERS

Final Regulations

AGENCY: Administration on Aging, Office of Human Development (OHD), Department of Health, Education, and Welfare.

ACTION: Final regulations.

SUMMARY: The final regulations revise program requirements for grants for acquiring, altering, or renovating existing facilities to serve as multipurpose senior centers under sections 501-505 of Title V of the Older Americans Act of 1965, as amended by Pub. L. 93-29. Interim regulations were published and the Secretary invited public comment on those regulations and stated that they would be revised as warranted by the comments received.

EFFECTIVE DATE: July 5, 1977.

FOR FURTHER INFORMATION CONTACT:

M. Gene Handelman, Director, Office of State and Community Programs, Administration on Aging, Office of Human Development, Department of Health, Education, and Welfare, Washington, D.C. 20201 (202-245-0011).

SUPPLEMENTARY INFORMATION: Interim regulations for the Multipurpose Senior Center Program (Title V of the Older Americans Act of 1965, as amended) were published in 45 CFR Part 911 the FEDERAL REGISTER of September 10, 1976, and are being amended and transferred to 45 CFR Part 1326. The interim regulations were issued to permit initiation of the Title V program under funding appropriated by Congress for this purpose for use during the July 1 through September 30, 1976, Transition Quarter. Under the interim regulations a total of 549 awards were made for the acquisition, alteration, or renovation of facilities to serve as multipurpose senior centers. The provision of the interim regulations will continue to be effective for the duration of the project period for those grants which were made under the Transition Quarter appropriation.

At the time of publication of the interim regulations, interested parties were invited to submit within 60 days, their comments, suggestions, or objections regarding the regulations. A total of 48 comments were received on the interim regulations. Subsequently, a draft revision of these regulations developed with consideration of comments on the interim regulations was circulated to State and area agencies on aging, nutrition project agencies, national organizations, and other interested parties. An additional 26 comments were received in response to this draft revised version of the regulations. The comments received sub-

stantially supported the provisions of the revised version of the regulations. In view of the favorable response it is determined that there is sufficient reason at this time to issue final regulations in order to avoid any delay in implementing the program.

The following statement summarizes the substance of the 74 comments and the Department's response. All operational procedures for making awards under Title V beginning in Fiscal Year 1977 and each Fiscal Year thereafter will be governed by the regulations set forth below. It is also noted that regulations for multipurpose senior centers, formerly published in Part 911 have been removed from Chapter IX of Title 45 of the Code of Federal Regulations and relocated in Chapter XIII which covers all programs administered by the Office of Human Development, within the Department of Health, Education, and Welfare.

SUBPART A—PURPOSE

The purpose of these regulations is to establish procedures for implementing the provisions of sections 501-505 of Title V of the Older Americans Act of 1965, as amended, hereafter referred to as "Title V." The program is administered by the Administration on Aging in the Office of Human Development.

Title V is designed to provide facilities that will serve as a focal point in communities for the development and delivery of social services and nutritional services designed primarily for older persons. The programs to be conducted in such facilities shall be coordinated with State and Area Agencies on Aging, which are charged under the Older Americans Act, with the responsibility of developing comprehensive systems of services for older Americans. The Title V program will be an integral part of overall planning and service delivery scheme of State and Area Agencies on Aging.

SUBPART B—DEFINITIONS

The purpose of the definitions provided in this subpart is to provide a clear understanding of the terms which are used throughout the regulations. Definitions are provided for the particular terms in this subpart because proper understanding of these terms will assure more efficient operations of the program.

The issue of greatest concern expressed in comments had to do with the inconveniences that would occur because of the prohibition on additional square footage to an existing facility, as stated in the interim regulations. Many organizations pointed out that the Department was effecting an unsound economic policy by encouraging the acquisition of facilities when in many cases community groups could run effective programs in their current facilities if they were allowed relatively inexpensive building additions. It was further noted that this policy presented a particular disadvantage in rural communities where it is difficult to find existing facilities for purchase. In response to these concerns, we have included as a part of the definition for "altering or renovating", terminology which allows for expansion of existing

facilities up to double the square footage of the original facility.

Section 1326.2(d) adds a definition of "structural change" which was not defined previously. The reason for this is that Section 1326.9 in Subpart E stipulates that all structural changes undertaken in the course of alteration or renovation shall comply with all applicable local or State ordinances, laws, or building codes or when these are absent, with Federal building codes. The definition of structural change provided here conforms with the definition provided in Federal Building codes.

SUBPART C—GRANTS AUTHORIZED

The purpose of including this subpart in the regulations is to identify the eligible applicants which may be considered for funding under this part; and to provide such eligible applicants with necessary information as to the procedures for making and receiving awards.

The basis for including the provisions of this subpart is the belief that clarification as to eligible applicants and procedures for making and receiving awards will facilitate the proper administration of the program.

The issue which received the second greatest number of comments was the manner in which the Commissioner on Aging would make grant awards. During the Transition Quarter, awards were made directly by the Commissioner to community agencies and organizations, with consideration of the recommendations made by State and area agencies on aging. This method was found to create administrative difficulties. Further, this procedure did not assure the desired level of coordination of Title V projects with the comprehensive and coordinated system of services for older persons being established under Titles III and VII of the Act as Congress has intended. After careful review of the issues involved, the Department concluded that while authority does not exist under the current law to administer Title V as a formula grant program, it is within the authority of the Commissioner, under section 202(a)(9) of the Act, to permit State Agencies to be grantees for purposes of this part. Such procedures assure a closer linkage with existing programs currently administered by State agencies on aging under Titles III and VII of the Act. Comments which were received strongly endorsed the concept of permitting State agencies to be grantees for funds under this part. Accordingly, § 1326.3(b) permits State Agencies on Aging to be Title V grantees.

Procedures for implementing this policy indicated in § 1326.4(b) provide that the State agency will be given first priority to apply for funds received for the entire State. Section 1326.4 (c) and (d) describe procedures for awards made by the Commissioner directly to the local applicant in those States where the State Agency on Aging does not declare such intent to apply. When this occurs, procedures for making awards directly to the local agency or organization are essentially the same as those indicated in the interim regulations. The Commis-

sioner will make awards to eligible agencies and organizations in accord with recommended priorities established by State and Area Agencies.

SUBPART D—ASSURANCES REQUIRED FOR GRANTS

This subpart is included in the regulations for the purpose of providing guidance to State Agencies on Aging and to all other applicants on the specific responsibilities which they must assume if they choose to apply for funds under this part. The basis for providing separate sets of criteria for State Agencies on Aging and for all other applicants is the fact that State Agencies on Aging are given priority consideration for application and award of funds under this part; and have responsibilities which are more extensive than the responsibilities of other applicant agencies or organizations.

Section 1326.5 specifies assurances applicable to State Agencies as applicants. A total of 10 organizations, mostly State Agencies, objected to the provision in the interim regulations that an equitable portion of Title V funds reserved for each State be used in each planning and service area of the State. Final regulations in Section 1326.5(a) maintain the principle that the State Agency must assure that each planning and service area in the State will receive an equitable portion of the funds awarded to carry out the purposes of this part; but add the provision that, where justification exists, the State Agency may request from the Commissioner an exception to this requirement for a given planning and service area.

Comments were received from 9 State Agencies concerning the requirement in § 1326.5(b) that all contracts made by the State Agency within the State for acquisition, alteration, or renovation be approved prior to their issuance by the Area Agencies within the planning and service area where the contract is to be made. Many of these commenters pointed out that the role of the Area Agency is to advise the State, not to approve its action. The Department has reached the conclusion that Area Agencies should retain approval rights, as specified in this section. The exercise of such a function is consistent with the responsibilities assigned Area Agencies in Title III section 304(c)(1) of the Older Americans Act to provide for the establishment of a comprehensive and coordinated service system within its planning and service area.

Section 1326.5(c) requires that in planning and service areas that contain rural areas, plans will be made to meet the special needs of the scattered older persons, especially low income and minority older persons. Some objections were received to the interim regulations because they did not place an emphasis on awards to rural areas. The revised revision of the regulations which was circulated to the aging network for comment established a particular priority for rural areas. However, 6 objections were received from urban community organizations and area agencies to the

establishment of a rule which would single out rural communities for special priority. Section 1326.5(c) of these final regulations accordingly notes the importance of responding to the needs of rural areas; but does not establish any priority for awards to rural areas over urban areas.

Section 1326.5(b) requires that multipurpose senior center facilities funded under Title V be made part of the Comprehensive Program on Aging operated by the Area Agency, in those planning and service areas where Area Agencies exist. The new policy on this point is also carried over in 1326.6(b) which also requires that Title V projects be included in the Comprehensive Area Program on Aging in those States where grant awards are made directly to local organization by the Commissioner.

SUBPART E—ASSURANCES APPLICABLE TO FACILITIES FINANCED UNDER THIS PART

The purpose of including this subpart is to assure that all applicant agencies or organizations are aware of the responsibilities which they assume relative to any facility acquired, altered, or renovated with funds awarded under this part. The basis of including these provisions is that the Act imposes such responsibilities.

Some comments were received, relative to the lack of clarity in specific assurances for facilities acquired, altered, and renovated in the interim regulations. These regulations restructure the requirements in three broad sections to effect greater clarity as to which assurances apply to all facilities (§ 1326.7), to facilities to be acquired (§ 1326.8), and to facilities to be altered or renovated (§ 1326.9). While most of the assurances stated in the interim regulations have been retained, there are several revisions. Section 1326.7 sets forth the requirement to comply with other applicable Federal laws and Executive Orders. Additionally, § 1326.9 requires that all structural changes, as defined in § 1326.2(d), shall comply with local or State ordinance, or in the absence of such ordinances, with Federal standards. The interim regulations required consultation with the Department of Housing and Urban Development with regard to the technical adequacy of any proposed alteration or renovation. The experience obtained during the Transition Quarter indicated that this policy led to unreasonable delays in final approval of facility plans and specifications. With the increase in the Fiscal Year 1977 appropriation to four times the amount available in the interim quarter, it was anticipated that these problems would increase. After consultation with the Office of the Secretary of Housing and Urban Development, it was required in section 502(b)(2) of the Act, the Department has agreed to approve any proposed alteration or renovation which complies with State or local ordinances, or in their absence, with Federal standards.

SUBPART F—GENERAL REQUIREMENTS

The purpose of including this subpart is to provide a general summary of other

requirements concerning the operation of the program which are not treated elsewhere in the regulations. The basis for inclusion of these requirements is to assure that potential applicants will understand the basic Federal requirements necessary for participation in the Title V program.

Two comments were received that urged reconsideration of the provision in the interim regulation that all allowed Federal participation in any activity associated with the operation of the multipurpose senior center facilities, but maintenance personnel and janitors, in particular, have constituted an exception to the prohibition on rental costs. This issue was reviewed and we believe that there is no justification in the Act for allowing rental costs under section 501-505 of Title V. The provision specifically provides only for that part of the cost of acquisition, alteration or renovation of existing facilities, including the cost of initial equipment of such facilities. Accordingly, final regulations in Section 1326.10(d) reiterate the unallowability of rental costs.

Consistent with the new policy effected in these regulations of giving State Agencies on Aging a priority to apply for funds under this part for the entire State, a new provision has been added in Section 1326.12 which permits applicants to request a portion of the funds awarded for the purpose of administering the grant. These funds are provided for administrative costs, incurred in regard to Title V operations only, and not to other activities unrelated to this program. We received three comments which raised the question as to whether or not Area Agencies may receive these funds, since they may be charged in Title V project administrative or non-project administrative expenses on such projects. Presumably directly to the State Agency. Our response is that any agency receiving a grant under Title V may retain an amount approved by the Commissioner, for administering such grant. Additionally, the subject bears to the attention of applicants the requirement to comply with the provisions of OMB Circular A-95 concerning State and Areawide championships. On May 4, 1977, HEW regulations, Title 45, Part 84, governing nonprocurement on basis of handicap were published in the Federal Register. These regulations implement the provision of section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112. Section 1326.17 of these final Title V regulations require assurance by applicants of their intent to comply with the provisions of section 504 and the implementing regulations and guidelines.

SUBPART G—CONTRACT AUTHORITY

The purpose of including this subpart is to identify the fact that the Commissioner is authorized to make contracts to carry out the purposes of this part, separate and apart from his authority to make grants as described in the other subparts of these regulations. The Act provides no authority to the Commissioner, and therefore the regulations must address this point.

Accordingly, the interim regulations for Multipurpose Senior Centers presently in 45 CFR Part 911 are revised and final regulations for Multipurpose Senior Centers are added in 45 CFR Part 1326 in the manner set forth below.

NOTE.—The Administration on Aging has determined that this document does not require preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance Program Number: 13.639 Special Programs for the Aging—Title V Multipurpose Senior Centers.)

Dated: June 3, 1977.

ARTHUR S. FLEMMING,
Commissioner on Aging.

Dated: June 3, 1977.

ARABELLA MARTINEZ,
Assistant Secretary for
Human Development.

Approved: June 27, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary.

Subpart A—Purpose

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Subpart G—Contract Authority

1326.23 Authority.

AUTHORITY: Pub. L. 89-73, 79 Stat. 218-226 (42 U.S.C. 3001 et seq.), as amended by sec. 501, Pub. L. 93-29, 87 Stat. 49-51; sec. 112, Pub. L. 94-135, 89 Stat. 720 (42 U.S.C. 3041-3041e).

Subpart A—Purpose

§ 1326.1 Purpose.

The purpose of these regulations is to establish procedures for implementing sections 501-505 of Title V of the Older Americans Act of 1965, as amended, which provide for the making of grants and contracts to pay part of the costs of acquiring, altering or renovating existing facilities, including the initial equipment of such facilities, to serve as multipurpose senior centers.

Subpart B—Definitions

§ 1326.2 Definitions.

In addition to the definitions set forth in §§ 1320.2 and 1321.2 of this chapter, the following definitions are applicable for the purpose of this part.

(a) "Acquiring" means obtaining ownership of an existing facility.

(b) "Altering or renovating" means modifications upon or in connection with an existing facility which are necessary for its effective utilization as a multipurpose senior center, including restoring, repairing, and expanding which is not in excess of double the square footage of the original facility, and all such related physical improvements.

(c) "Multipurpose senior center" means a community facility for the organization and provision of a broad spectrum of services (including provision of health, social, and educational services and provision of facilities for recreation activities) for older persons.

(d) "Structural change" means any changes to the load bearing members of a building.

Subpart C—Grants Authorized

§ 1326.3 Eligible applicants.

(a) Eligible applicants include units of general purpose local government or other public or nonprofit private agencies or organizations, including State or Area Agencies on Aging.

(b) In order to assure that multipurpose senior center facilities supported under this part are integrated with the comprehensive and coordinated service system established under Title III and Title VII of the Act, State Agencies on Aging will be given priority in the application and award of funds.

§ 1326.4 Procedures for making awards.

(a) From the amount appropriated for multipurpose senior centers under section 501 of the Act each fiscal year, the Commissioner shall reserve an amount for making awards under this part for each State. The amount reserved for each State shall be determined in keeping with the principles which guide the allocation of funds made each year under section 303 of the Act except that total funds awarded to any State in any fiscal year shall not exceed ten percent of the funds appropriated by the Congress for the nation for that fiscal year.

(b) As set forth in § 1326.3(b) of this part, State Agencies will be given first priority to apply for the funds reserved

for the State. Upon the request of the Commissioner each fiscal year, each State shall indicate in writing its intent to apply for the entire amount of funds reserved for the State.

(c) In those cases where the State Agency notifies the Commissioner that it will not apply for the funds reserved for that State:

(1) The State Agency will be asked to designate an amount, within the total amount reserved for the State, for each planning and service area in the State.

(2) Eligible agencies and organizations in the State will be notified of the funds designated under this part for each planning and service area by the State and Area Agencies on Aging; and

(3) Applications from eligible agencies or organizations within the State shall be forwarded to the Commissioner on Aging through Area and State Agencies on Aging and will be ranked by such agencies by planning and service area, in order of their recommended priority for funding before being forwarded to the Commissioner. The Commissioner will make awards to such eligible agencies and organizations in accord with these recommended priorities, provided all Title V requirements contained in this part are met.

(d) If eligible agencies or organizations fail to request funds within a time limit set by the Commissioner each fiscal year up to the level of the funds reserved for a planning and service area or a State, the Commissioner may make grants of such funds to eligible agencies or organizations in other planning and service areas of the State or other States, as appropriate.

(e) All requests for funds under this part shall be on forms prescribed for this purpose by the Commissioner.

Subpart D—Assurances Required for Grants Under This Part

§ 1326.5 Assurances required when State agencies are applicants.

Where the State Agency makes application for funds under this part for the entire State, the State Agency must assure that:

(a) Each planning and service area in the State will receive an equitable portion of the funds awarded to carry out the purposes of this part, except that, where justification exists, the State Agency may request in writing from the Commissioner an exception to this requirement for a given planning and service area.

(b) Where Area Agencies on Aging exist they will be involved, together with their Advisory Council, in determining the most feasible facilities to serve as multipurpose senior centers and the most qualified local agencies to operate the agencies in each center in their jurisdiction, and that their approval will be obtained before any contract is awarded in their jurisdiction as a result of a grant under this part.

(c) In planning and service areas that contain rural areas, plans will be made

to meet the special needs of the scattered populations of older persons, especially the low income and minority older persons;

(d) In assisting facilities under this part in urban areas, priority consideration will be given in locating such facilities in those parts of such areas having high concentrations of low-income and minority older persons;

(e) A multipurpose senior center program will be developed and operated in any facilities assisted under this part;

(f) The multipurpose senior center programs operated in any facility assisted under this part will be made part of the Comprehensive Program of the Area Agency on Aging where such programs exist; and

(g) Any agency or organization which will operate a multipurpose senior center program in a facility assisted under this part will be required to develop a plan designed to obtain written commitments from other public and private nonprofit agencies to use the facility to deliver services to older persons or contribute resources to expand the program of the center.

§ 1326.6 Assurances required for all other applicants.

(a) In those cases where the State Agency elects not to apply for the funds reserved for the State, other eligible agencies or organizations in the State may submit applications to the Commissioner which provide adequate assurances that:

(1) The facility for which funds are requested is adaptable for serving as a multipurpose senior center;

(2) A multipurpose senior center program will be operated in the facility;

(3) The agency or organization which will operate the multipurpose senior center program in the facility for which funds are requested is qualified to operate such a program;

(4) The facility for which funds are requested is located so as to be accessible to a high proportion of minority and low-income older persons; and

(5) The agency or organization which will operate the multipurpose senior center assisted under this part will develop a plan designed to obtain written commitments from other public and private nonprofit agencies to use the facility to deliver services to older persons or to contribute resources to expand the program of the center.

(b) For such applications, the Area Agency on Aging, if applicable, will also be required to assure that the points in paragraph (a) (1-5) of this section will be met. In addition, the Area Agency will be asked to assure that the multipurpose senior center program proposed for the facility will be made part of the Comprehensive Program of the Area Agency on Aging.

Subpart E—Assurances Applicable to Facilities Financed Under This Part

§ 1326.7 Assurances applicable to all facilities.

(a) The applicant shall assure that any facility for which funds are awarded

under this part shall comply, before the multipurpose senior center program is operated in such facility, with all applicable State and local health, fire, safety, zoning, and sanitation codes. With special regard to life/safety conditions, work will comply with the provisions of the National Fire Protection Association 101 Life Safety Code for the applicable building occupancy classification or State and local codes, whichever is the more stringent.

(b) The applicant, in order to comply with the requirements of the Davis-Bacon Act and other mandatory Federal labor standards, shall assure that HEW Requirements for Federally Assisted Construction Regarding Labor Standards and Equal Employment Opportunity, Form HEW-514 (July 1976) are included in all construction contracts for alteration and renovation of facilities. For the purpose of this part, the term "construction" is limited to altering or renovating existing facilities.

(c) The applicant shall assure that if a facility to be acquired, altered or renovated will be shared with other age groups, that funds under this part will be used only for that portion of the facility that will be used by older persons. Where the same floor space is to be shared with different age groups, funds under this part may be used proportionately for acquiring, altering, or renovating the facility only to the extent that such floor space will be used by older persons.

(d) The applicant shall assure that the applicable requirements contained in the following statutes and executive order are satisfied:

(1) Uniform Relocation Act, Pub. L. 91-646;

(2) Flood Protection Act, Pub. L. 93-234;

(3) National Historic Preservation Act, Pub. L. 89-665; and

(4) Executive Order on Flood Plains, E.O. 11988.

§ 1326.8 Special assurances applicable to facilities to be acquired.

(a) The applicant shall assure that there are no existing facilities in the community suitable for leasing as a multipurpose senior center.

(b) The applicant shall assure that any facility to be acquired under this part will conform with the Architectural Barriers Act of 1968 (41 CFR 101.17.703).

(c) The applicant shall assure that the facility will be used for the purposes for which it is acquired for not less than ten years after the date acquired.

(d) The applicant shall assure that the facility will not be used, and is not intended to be used for sectarian instruction or as a place for religious worship.

(e) The applicant shall assure that sufficient funds will be available to meet the non-Federal share of the cost of purchase of the facility.

(f) The applicant shall assure that sufficient funds will be available when purchase is completed, for effective use of the facility for the purpose for which it is being purchased.

§ 1326.9 Special assurances applicable to structural changes in the altering or renovating of facilities.

Where structural changes will be undertaken in the course of altering or renovating a facility, the applicant shall assure compliance concerning all applicable local or State ordinances, laws, or building codes. In the absence of such codes, such structural changes must conform to Chapter 23 Of the Uniform Building Code, or Article 7 or the Basic Building Code, or Chapter 12 of the Standard Building Code.

Subpart F—General Requirements

§ 1326.10 Federal and non-Federal participation.

The Commissioner is authorized to pay up to 75 percent of the costs of acquiring, altering or renovating facilities to serve as multipurpose senior centers. The non-Federal share of proposed costs under this part shall be identified by the applicant in the application.

§ 1326.11 Unallowable expenditures.

Federal financial participation, and the appropriate non-Federal share, may not be used for any of the following:

(a) New construction or the completion of a partially completed facility;

(b) The purchase of land not related to the acquiring of an existing facility;

(c) Expanding of a facility in excess of double the square footage of the original facility; and

(d) Any cost associated with the operation of the multipurpose senior center, including rent, maintenance, personnel and supplies.

§ 1326.12 Administrative costs.

Applicants are authorized to be reimbursed for administrative costs associated with administering grants under this part. Such costs must be set forth in the proposal.

§ 1326.13 Granted administrative requirements.

All of the provisions of 45 CFR Part 74 apply to grants awarded under this part.

§ 1326.14 A-95 Clearinghouse requirements.

All applications submitted under this part are subject to requirements of Part I, OMB Circular A 95.

§ 1326.15 Reports and records.

(a) Agencies or organizations receiving funds under this part shall make such reports in such form and containing such information as the Commissioner may determine.

(b) Agencies or organizations receiving awards shall maintain such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

§ 1326.16 Civil rights.

The applicant shall assure that all activities undertaken under this part shall conform to the Civil Rights Act of 1964 and all applicable policies and pro-

cedures established relating to such Act. In addition, the applicant shall develop and implement an affirmative action plan in the area of employment, and the development and implementation of a plan designed to provide maximum opportunity for participation in the service programs operating out of the center by low-income and minority persons.

§ 1326.17 Nondiscrimination on basis of handicap.

The applicant shall assure that the requirements set forth in sec. 504 of the Rehabilitation Act of 1973 and HEW regulations (45 CFR, Part 84) and guidelines are met.

§ 1326.18 Monitoring activities.

Agencies or organizations which receive awards shall establish monitoring procedures which will assure that any activity for which a grant is made under this part will be carried out in keeping with the provisions of the application as approved by the Commissioner.

§ 1326.19 Recapture of payments applicable to acquired facilities.

If, within ten years after acquiring a facility under this part, either the owner of the facility ceases to be a public or nonprofit private agency or organization, or the facility ceases to be used for the purposes for which it was acquired, the Department shall be entitled to recover from the agency or other owner of the facility an amount, which bears to the then value of the facility, or so much thereof as constituted an approved project award or awards, the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the

United State District Court for the district in which such facility is situated. Release by the Department from recapturing the payment may occur if the facility as originally acquired is no longer adequate as a setting to provide the type and level of services now required by older persons in the community, and therefore the facility, as originally acquired, will be sold at a price, determined as reasonable by the Department, and that such funds resulting from the sale of the original facility will be used to purchase another facility in the community which meets the standards of this part.

§ 1326.20 Notification of action taken on proposals.

Applicants will be notified in writing by issuance of a "Notice of Grant Awarded" of the final action taken by the Commissioner on each application. For those applications approved by the Commissioner, this notification shall set forth the amount of funds awarded, and shall constitute for such amounts the encumbrance of Federal funds for such proposal on the date of the award.

§ 1326.21 Project period.

Except for those instances where an exception is approved by the Commissioner based on an inability to complete a project within the project period due to circumstances beyond the control of a grantee:

(a) The period of a grant award approved in any fiscal year will not exceed 12 months following the effective date of the "Notice of Grant Awarded" relating to such grant; and

(b) All activities relating to the acquiring, altering or renovating of a facility under this part shall be completed,

and the multipurpose program operational in such facility within 12 months following the effective date of the grant relating to that activity.

§ 1326.22 Payments.

Upon approval of any application for a grant or contract under this part, the Commissioner shall reserve, from any appropriation available therefore, the amount of such grant or contract. The amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with progress in altering or renovating a facility, as the Commissioner may determine. The Commissioner's reservation of any amount under this section may be amended by him either upon approval of an amendment of the application or upon revision of the estimated cost of altering or renovating the facility.

Subpart C—Contract Authority

§ 1326.23 Authority.

(a) The Commissioner is authorized to make contracts to carry out the purposes of this part with any agency or organization to pay not to exceed 75 per centum of the costs of such program, subject to the ten per centum maximum payments in any State in any fiscal year.

(b) Any contract under this part shall be entered into in accordance with and shall conform to all of the relevant regulations relating to this title as well as to all other applicable laws, regulations and Department policy.

(c) Payments may be made in advance or by way of reimbursement, and in such installments and on such conditions as the Commissioner may determine.

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OPERATING PRINCIPLES OF SENIOR CENTERS

1. The Senior Center shall establish and have a written statement of purposes and goals consistent with the basic philosophy of Senior Centers. These shall be used to govern the direction and character of its program relative to an aging population and its defined service area.
2. The Senior Center shall be organized to achieve its purposes and goals, consistent with the Center's philosophy.
3. The Senior Center shall have linkages with and participate in planning organizations and programs as an integral part of the network of community services, relating to aging in general and, specifically, in its service area. It shall perform a public information and community education function.
4. A Senior Center shall initiate, facilitate and/or provide a program of quality services and activities consistent with its stated goals and objectives. This shall be done with, by, and on behalf of older persons, as individuals or in groups, in order to meet the needs and desires of aging persons in the Center's service area.
5. A Senior Center shall be staffed and administered by competent, ethical, and qualified personnel capable of providing essential services. It shall establish and maintain policies and procedures which effectively contribute to the implementation of its goals.
6. Through the use of sound fiscal practices and compliance with legal requirements, the Senior Center shall manage its fiscal affairs so as to pursue the fulfillment of its purposes, goals, and objectives.
7. The Senior Center shall keep accurate, current, and complete records required for Center operation and accountability. It shall prepare and circulate reports to demonstrate and interpret the degree to which it has satisfied its purposes, goals and objectives.
8. The Senior Center facility and its program(s) shall be designed, located, and/or constructed and equipped so as to promote the effective access and conduct of its services and activities and to protect the health, safety, and comfort of its participants, staff, and the public.
9. A Senior Center shall have or be part of an evaluation system which will identify the results and impact of its programs on individuals, groups, and the community in order to assure improved performance, appropriate planning, enhanced community support, more positive images of both aging persons and Senior Centers.